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DANIEL WEBSTER
The Statue by Ball at Dartmouth College

The True Daniel Webster

By

Sydney George Fisher, Litt. D., LL.D.

Author of

"The True Benjamin Franklin," "The Struggle for American Independence,"
"Men, Women and Manners in Colonial Times,"
"The Making of Pennsylvania," etc.

"My manner of political life is known to you all. * * * I leave it to my country and to the world, whether it will or will not stand the test of time and truth."—*Speech of July 9, 1852.*

WITH TWENTY-FIVE ILLUSTRATIONS

Philadelphia & London
J. B. Lippincott Company
1911

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PUBLISHED NOVEMBER, 1911

PRINTED BY J. B. LIPPINCOTT COMPANY
AT THE WASHINGTON SQUARE PRESS
PHILADELPHIA, U.S.A.

©CL A305051

Preface

THE material for a life of Webster is largely contained in his speeches and letters. For nearly two generations after his death the principal collection of these was an edition of his speeches in six volumes, published in 1851, edited by his lifelong friend, fellow-orator and pupil, Edward Everett, and two volumes of his letters edited by his son Fletcher Webster. These contained by no means all his writings, most of which in their original manuscript form have been concentrated in the New Hampshire Historical Society, at Concord, which is the richest collection of them, and the Sanborn collection in New York. The Greenough collection at Washington consists principally of letters from Webster's correspondents. There are, of course, numerous letters still owned by individuals, and, unfortunately, large numbers of probably valuable letters, like those to his daughter Julia and to his English correspondents, have been lost or destroyed.

In 1902 Mr. C. H. Van Tyne edited a large volume of most interesting letters from these various sources arranged so as to reveal Webster as the politician, statesman, farmer, sportsman, and in other phases of his life. In the following year the same publishers who had brought out the six-volume edition of his speeches in 1851 issued the National Edition of all his writings, both letters and speeches, in eighteen volumes. This edition, an admirable piece of book making, contains even his boyish compositions; and while not including literally everything, has thrown an immense additional light upon his life and opinions. The mass of his writings now accessible in these editions, Van Tyne's and the National, give one an impression of intellectual

power which, I think, would be hard to match anywhere in the history of law and politics. Many of the speeches and addresses omitted from the early edition of 1851 because they seemed offhand or in undress uniform, are for that reason the more valuable and show phases of his reasoning power and mastery of language which are not so apparent in more formal productions.

The "Private Life of Daniel Webster," written by Mr. Lanman, who was his private secretary towards the close of his life, Marsh's "Reminiscences," Lyman's "Memorials," Harvey's "Reminiscences," and Plumer's "Reminiscences"[1] are the principal sources of our knowledge of Webster's personality, outside of his letters. There is also information on this point in the volume of addresses delivered at the Webster Centennial at Dartmouth in 1901. The portraiture has been described by Mr. Charles Henry Hart in his usual thorough manner in *McClure's Magazine* for May, 1897. There were an immense number of portraits, daguerreotypes, engravings and prints of Webster. Harding is said to have painted him from life nine times.

The "Life of Webster," in two large volumes of six hundred pages each, by his literary executor, Mr. George Ticknor Curtis, contains also personal reminiscences because Mr. Curtis was one of his intimate friends. But these two large volumes are more particularly, as they were intended to be, a store house of letters and documents, as well as of facts and dates; in short, an official source of information.

From Webster's relentless enemies, the Abolitionists and Free Soilers, much information of a certain kind is to be obtained; and though my respect for the methods and arguments of these people is not of the highest, I have admitted them as contemporaries and witnesses,

[1] Plumer's "Reminiscences" are printed in the National Edition of Webster's "Works," vol. xvii, p. 546.

and the reader may judge for himself of the value of their testimony.

The recent essay, "Daniel Webster—a Vindication," by Mr. W. C. Wilkinson, contains original evidence of the greatest value collected from the contemporaries, both friends and enemies, of Webster; and it is important in connection with those extraordinary tales of Webster's supposed excessive drunkenness and immorality, defects which appear to have increased since his death, to such a degree that the Abolitionists who started the scandals would now, if alive, hardly be able to recognize their own work.

The Free Soilers had another chance at their old enemy in 1882, the hundredth anniversary of his birth, and one or more of the Boston newspapers gave them space to declaim. Senator Lodge's "Life of Webster," published in 1883, seems to have been written under the influence of this outburst; and he says that the Abolitionist view of Webster is the one that has been finally adopted by history, and dissent from it will be unavailing.

The Senator's book is, of course, ably written and argued, and as its author lived in Boston in the midst of people who had known Webster and all his controversies, the book is in some degree a source of original material. It is certainly typical of the Abolitionist and Free Soil point of view. In that respect I think it goes a little too far; and as it has seriously attacked the credibility of Mr. Peter Harvey's "Reminiscences," I shall have to say something in defence of that gentleman, to whose care we owe the preservation of such a large number of the Webster papers now collected in the New Hampshire Historical Society.

Mr. Lodge rules out Harvey as a witness, and says "a more untrustworthy book it would be impossible to imagine. There is not a statement in it which can be safely accepted, unless supported by other evidence." He gives only two reasons. One, a story Harvey

tells that when Webster was a comparatively young man, William Pinkney, then the leader of the American Bar, persistently snubbed him, and attempted to put him in a contemptible position before the Supreme Court at Washington. Webster finally invited him into one of the Grand Jury rooms, locked the door, told him he must apologize then and also in the presence of the Supreme Court next day, or take the consequence; and Pinkney apologized then and the next day. This story, Mr. Lodge says, "is either wholly fictitious or so grossly exaggerated as to be practically false," and puts Webster "in the light of a common and odious bully." The other reason is, that Harvey "makes Webster say that he never received a challenge from Randolph, whereas in Webster's own letter published by Mr. Curtis, there is express reference to a note of challenge received from Randolph."

In regard to the challenge Harvey was apparently mistaken, but possibly not in the way that Mr. Lodge supposes; and the history of the matter is somewhat curious. In the controversy with Randolph in 1816 we have, as Mr. Lodge says, a letter from Webster, referring to a challenge received from Randolph and indeed declining the challenge. But there was afterwards, in 1824 and 1825, another controversy, in which Randolph had written a letter in a Richmond newspaper attacking the conduct of a committee of Congress appointed to investigate some conduct of the Secretary of the Treasury. Webster was a member of this Committee and with his fellow-members was quite indignant at the attack, and, according to the account Randolph received, branded its statements as a lie. Afterwards in Congress, Webster denied the truth of Randolph's statements in strong but parliamentary language.

It is probably this controversy to which Harvey refers, because he mentions Colonel Benton as sent to Webster by Randolph.

"One day I had been asking him some questions about his controversy with John Randolph. It was said, I told him, that John Randolph had challenged him. He replied that that was not true.

"'But,' said he, 'he sent Colonel Benton to me to know if I meant such and such things; and I told him that I did not choose to be called to account for anything I had said, and that I meant just what I had said. It was evident that there was a purpose to have a row with me.'" (Harvey, "Reminiscences," p. 119.)

The controversy was kept out of the newspapers by an agreement to that effect between Webster and Randolph. As time passed, however, scraps of it leaked out, and this gossip no doubt had set Harvey inquiring. Not until 1880 were any papers or letters on the subject published, and then some appeared in the *Magazine of American History* for January, 1880, and afterwards in 1903 some of the same and other papers on the subject appeared in the National Edition of Webster's Works of that year, taken from the collection in the New Hampshire Historical Society.[2] These papers in the National Edition were all that at first came to my knowledge in regard to the affair; and according to these Benton came to Webster with a letter from Randolph, and Webster prepared a reply to this letter. Apparently, however, as the result of further conversation with Benton, Webster destroyed his reply, and in place of it gave Benton another letter and a memorandum, both to the effect that he was willing that Benton "should say to Mr. R. that he has no recollection of having said anything which can possibly be considered as affecting Mr. R.'s veracity beyond what he said in the H. of R. If he has used other expressions, they must have been about the same time; he does not now recollect them and disclaims them." There was more to the same effect and an agreement or understanding that "no publication is called for and none is to be in any way authorized by either of us."

[2] "Works," National Edition, vol. xvi, p. 102.

Such is in brief the light which the publication of the National Edition threw upon the affair. There is no mention of any challenge, unless a person might infer that the letter Webster received from Randolph must have been a challenge. These papers were apparently part of those given by Harvey, after Webster's death, to the New Hampshire Historical Society, and if Harvey examined them before giving them to the Society, he would probably have concluded that there was no challenge. Webster's literary executor, Mr. Curtis, if he knew of this controversy, seems to have thought that there was no challenge, because he describes the difficulty of 1816 as "the sole instance in which a challenge was sent."[3]

While the present volume was in press, however, Mr. Charles Henry Hart, of Philadelphia, called my attention to some Webster letters he gave to the Historical Society of Massachusetts in October, 1879, and furnished me with copies of them. The very first one is a letter of challenge from Randolph, dated February 20, 1825, in these words:

Sir: I learn from unquestionable authority, that during my late absence from the United States, you have indulged yourself in liberties with my name (aspersing my veracity) which no gentleman can take, who does not hold himself personally responsible for such insult.

My friend, Col. Benton (the bearer of this note) will arrange the terms of the meeting to which you are hereby invited.

I am, Sir, your obed. Servt.,

JOHN RANDOLPH OF ROANOKE.

To DANIEL WEBSTER, ESQ.,
of Massachusetts.

This letter in Randolph's handwriting was bought with the others by Mr. Hart at a public sale; and the collection as he bought it was headed by a letter of April 1, 1854, from Commodore William Inman, say-

[3] Curtis, "Life of Webster," vol. i, p. 154.

ing that the papers were given to him by Randolph on "our voyage to Russia in 1830." The other papers accompanying the letter are some of them the same, with slight verbal variations, as those published in the National Edition in 1903, and the rest add nothing of any great importance. It was these Hart papers that were published in the *American Magazine of History* for January, 1880. But Commodore Inman did not address his letter or give the papers to Mr. Hart, as stated in the magazine. The Commodore's letter is believed to have been addressed to Mr. Charles D. Gardette, of Philadelphia.

Apparently, then, the letter from Randolph, which the papers in the National Edition mention Webster as having returned to Benton without keeping a copy and the answer to which he destroyed, was a challenge. The proof is not absolute demonstration, but is certainly strong. What happened seems to have been that Benton arranged an amicable adjustment by which Webster said in writing that he disclaimed everything except what he had said in the House of Representatives, that he merely denied Randolph's accuracy of statement without going farther. Then it was agreed by Benton and Webster that the challenge should be wiped out and forgotten. Webster handed it to Benton, kept no copy, destroyed (burnt Benton says in the Hart papers) the letter he had prepared in answer to it, and agreed that he and Randolph should keep the whole thing out of the newspapers. The challenge was therefore in effect withdrawn by Randolph through Benton, his second. Benton no doubt returned the original challenge letter to Randolph, who five years afterwards in crossing the ocean with Commodore Inman could not refrain from putting it in the way of ultimate publication by giving a copy of it in his own hand writing to the Commodore, together with other papers; and also no doubt entertaining him with a spicy account of the affair from the Randolph point of view.

When Webster therefore was asked by Harvey if there had been any challenge, he answered as he would have answered a newspaper reporter, or any news gatherer of the time, by saying no, there was none; the same sort of answer Sir Walter Scott is said to have given when asked if he was the author of the Waverley novels; and the same answer most people consider themselves entitled to give when the gossips inquire about what is none of their business. Webster, Benton, and Randolph had agreed that the challenge should be wiped out, withdrawn, forgotten, nothing about it published. Benton and Webster kept their part of the agreement to the letter. Randolph, it seems, was a trifle careless in keeping his, although he endorsed on the papers given to Inman, an injunction not to let them be published. It was a poor way to keep a secret. But in the light of all these circumstances, can Harvey be blamed for any incorrectness in the account of the affair in his "Reminiscences" of Webster?

We would, of course, like to know the contents of that letter of Webster's in reply to the challenge. But even Benton did not know the contents of it; for he says in the Hart papers that Webster burnt it, without showing it to him or telling him anything it contained. Probably it was the same reply he gave to Randolph's challenge in 1816, a flat refusal, a denial of Randolph's right to call him to account in that way and a warning to him not to attempt any street ruffianism.

But as to Harvey and his mistake, if you rule out entirely every witness who makes a single mistake, you will cut yourself down to very few. Lanman, Webster's private secretary, will have to go, because he tells the anecdote of Webster on his graduation day, tearing up his diploma on the campus at Dartmouth, saying, "My industry may make a man of me, but this parchment never will," and then mounting his horse and riding home in lofty magnificence. Where this tale originated, nobody seems to know. It has been positively denied

by Webster's associates and the people who knew him best at that time; and so far as such things are capable of proof or disproof, it has been disproved.

Harvey may have exaggerated the Pinkney anecdote. Mr. Lodge assumes that he did. Someone else may assume that he did not. At this late day who can tell?

Why should we reject everything he says? Must we reject that interesting story of Monica, the slave whose freedom Webster purchased? Is that a fabrication and a fake? Or that story that when Webster was asked if he had ever seen the junction of the Mississippi and the Missouri, he replied, "Yes; but there is no junction. The Missouri seizes the Mississippi and carries her captive to New Orleans"? And so of a score of other apparently valuable pieces of information. Is it not better to admit Mr. Peter Harvey as a witness, an eye witness, and let readers judge for themselves, from all the circumstances, how much of him they will believe?

He was, I find, a merchant and man of business in Boston, president of a bank, treasurer of the Rutland Railroad, a member of the Governor's Council, served in both branches of the Legislature, interested in politics, a devoted Whig, a great admirer and friend for many years of Webster,—a Boswell, if you like,—made political arrangements for Webster, stayed at his house in Washington and at Marshfield, was given by Webster's son, Fletcher, a large number of his father's letters and papers, added to this collection by his own efforts and gave it all to the New Hampshire Historical Society. He was in fact, from general ability and knowledge of the world, more competent to write intimately about Webster than any of the other reminiscence writers, except, perhaps, Plumer. But when I began my investigations, I found a most extraordinary hostility towards him among certain excellent people in Boston. "Oh, yes; he was a nice old gentleman, always defending the Websters; and heaven knows they needed it; but don't

pay attention to anything he says; he is very unreliable."

Soon, however, I had the key. All these excellent people were of the old Abolitionist and Free Soil parties, or the sons or admirers of the old Free Soilers. Great and noble people they were in their day. I do not question that. But they had certain limitations. They, of course, could not endure Mr. Harvey because he was an ardent Whig, and in his "Reminiscences" there is more or less argument in support of Webster's seventh of March speech on the Compromise of 1850. That, of course, has damned him forever; he will never be reliable in Boston; never anything but a nice, weak-minded old gentleman, who was always defending the Websters.

That key once obtained unlocks a great deal of Webster material. If you pick up a diary or letter or anything about Webster and know the politics of the writer, whether Free Soil or Whig, you can almost write out beforehand what he will say. That old controversy was a terrible one in its day; and necessarily so; for it was part of the Civil War. Webster was caught in it, and if he had succumbed unresisting to the current he might have been swept on without a sound and landed as a respectable corpse. But because he rose, lion-like, and fought and struggled with the rapids and the whirlpool, they tore and mangled him until it is an almost unrecognizable body that his biographer has to reanimate with its original soul.

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The True Daniel Webster

I

ORIGIN AND EDUCATION

Daniel Webster, enthusiastically praised and relentlessly criticised, blindly worshipped and blindly hated, once filled a space in public estimation so large and important, that the present generation can hardly realize it. Eight years he served in the lower house of Congress, nineteen in the Senate, five years as Secretary of State. He was famous in 1820, and from the time of the reply to Hayne in 1830 to his death in 1852 his reputation was prodigious in America and great even in England, although British feeling at that time was by no means as friendly to this country as it is now. He was the most powerful intellect, as some say, and according to others, the most dishonorable public man that New England has ever produced. During the last years of his life, whenever he visited his farm in New Hampshire, crowds gathered at the stations along the railroad to see him. In fact, he gathered crowds everywhere. He was "a splendid creature," said his friends. "Yes," said his enemies, "a fine animal." "He attained a standing," says one of his contemporaries, "from which human greatness knows no progress"; "He seemed so great," said Theodore Parker, "that some men thought he was himself one of the institutions of America"; and similar statements of what seems now like extravagant admiration or extravagant abuse, could easily be accumulated.

For many years after his death this enthusiasm, accompanied by equally vigorous condemnation, remained unabated. Men of science speculated on the cause of his extraordinary intellectual power, while they discussed the size and weight of his brain; and his enemies and opponents readily admitted the power of his eloquence and personality.

Some of his own New Englanders denounced him; no people denounced him more than they, for his defence of the compromise with the slave power in 1850. There is still, as in Senator Lodge's life of him, a resentful sharpness in their criticism. From the abolitionist school of Lowell, Emerson, Theodore Parker, Longfellow, and Parton came the most violent attacks. He was, they tell us, indolent and slothful; not a learned man or learned lawyer, but stealing his knowledge from others without giving them credit,— a traitor to his own principles and to his own state, a dishonorable trimmer and renegade who would sacrifice anything to his desire for the Presidency, a pensioner on the bounty of others, maintaining the opinions and interests of those who paid his debts, extravagant, reckless and careless with money to the point of dishonesty, of excessive physique, excessive enjoyment of the outer world, devoted excessively to hunting and fishing and out-door pleasures, a hypocrite in religion, an insolvent, the ally of kidnappers, the agent of the slave hunters, the keeper of the slave hunter's dogs, a hard drinker, dying a drunkard's death, and calling for drink, if we can believe Poore's Reminiscences, with his last breath.

Most of this was enlarged upon because of his part in the compromise of 1850; and its justice or injustice will become clearer as we proceed. But his accusers' name for him was Ichabod, the old Scripture phrase which means there was a glory which has departed.

Of admirable genius, says Parton of him in his "Famous Americans," but of deplorable character, one

of the largest and one of the weakest of men. "The adulation of which he was the victim at almost every hour of his existence injured and deceived him. He was continually informed that he was one of the greatest of living men," until, says Parton, he came to loathe this ceaseless incense. His political opinions, complains Parker, were regarded as amendments to the constitution, and his public and private conduct part of the evidences of Christianity.

This adulation, this incense, this weakness, this degeneration, these crimes, they traced back through his whole life and wrote biographies of him to show how it had begun in his father's house when he was a baby, and all to explain why he supported their abomination, the Clay Compromise of 1850.

It was no doubt an age when our people were much given to hero worship and extreme and sweeping statements. But even with this allowance, Webster must be accounted a man of remarkable genius. It was not merely that he could marshal facts and arguments in the great fields of law, politics and diplomacy as his great contemporaries Napoleon and Wellington marshalled armies, or that his personal appearance was so striking and impressive. These qualities alone would not account for his place in the world. His contemporary, Henry Clay, had many of these qualities. In fact, innumerable orators have produced wonderful immediate effects upon their audiences; but their speeches when printed and read in cold blood, sixty years afterwards, have not been given as high a permanent value as Webster's. His printed speeches are literature and literature of a very high order. That is his claim to genius. It was this, added to his practical ability as a lawyer and statesman, that caused men to stare with wonder. No other American, not Clay, Patrick Henry, Everett, Choate, or Beecher, has equalled him in this respect. We find no men with whom to compare him until we go among the greatest orators of the

world, Chatham, Burke, Cicero, Demosthenes; and while these may be his superiors in certain respects, and opinions on the question may widely differ, he, nevertheless, stands among them and invites comparison. The highest literature of oratory expressing American union and nationality more nobly than any one else ever expressed it; that is Webster.

We always long to discover exactly what causes produce such men. We have, I suppose, a lurking idea that then we might manufacture them at will. We shall never learn to manufacture them; but it is interesting to try to discover their causes.

Webster's lifetime between 1782 and 1852, was a period which was productive, in New England, of a remarkable list of poets, orators, historians, philosophers, novelists, and theologians, of such impressive literary ability that their works constitute the principal part of American literature.

	BORN		BORN
Channing	1780	Longfellow	1807
Webster	1782	Holmes	1809
Everett	1794	Sumner	1811
Bryant	1794	Phillips	1811
Prescott	1796	Theodore Parker	1812
Bancroft	1800	Motley	1812
Emerson	1803	Stowe	1812
Hawthorne	1804	Lowell	1819
Whittier	1807	Parkman	1823

These eighteen names, though confined to New England alone, stand for literature complete in all the departments of poetry, philosophy, history, oratory, romance and theology. In fact, they have all the characteristics of what is usually called a national literature, complete in itself. There were other names, like Judge Story, Rufus Choate, George Hillard, Edward Everett Hale, William Lloyd Garrison, Horace Mann, which while perhaps not standing for men of genius were

nevertheless of such high talent that they might be added to the list. The physical appearance of nearly all these men, as we look at them now in photographs or old daguerreotypes or in the recollection of those who can remember them, was also remarkable. They make a wonderful collection of vigorous faces; and the causes or forces, whatever they were, that produced them must have been very powerful and complete. Before that period of forty-five years, from 1780 to 1825, no such group of men had been produced in this country; and in the subsequent time of nearly a century, there has been no continuation of such eminent human products, although education and civilization are supposed to have advanced and improved.

Whatever may have been the causes for this outburst in New England, Webster seems to have been a part of it. To that extent we can account for him; but to account for the movement that produced the group is quite another matter. It may have been stimulated by the rise in Massachusetts just at that time of Unitarianism; the setting free from repression and Puritanism of a people long accustomed to a love of knowledge and to the exercise of their minds in subtle expression and delicate distinctions of a theology which was in its way a very intellectual one. This change from Puritanism to Unitarianism which began to be felt about the time of the Revolution, was, no doubt, the occasion and opportunity which gave the natural powers of the Massachusetts people a chance to spread out into literature; but whether it was any more than the mere opportunity, whether it was a real cause, may be questioned.

It may have been that New England had at that time become a country of homogeneous people, a real nation instinctively developing a national literature. New England had always been set apart even geographically by the line of the Hudson River valley and lakes Champlain and George on the west, cutting it off from

the rest of the continent. Within this domain, which was almost a large island, were characteristic soil, climate and scenery, and a people of very thoroughbred stock, unusually united in all their ideas and sympathies.

The immigration which formed the New England colonies had ceased after 1640, and from that time these unmixed Anglo-Saxons had developed in the natural way by births. The people were all of the same religion, of the same ideas of government, and the same independent feeling which resented all interference from England and triumphed against her so signally in the Revolution. There never has been either before or since in any part of America, a stock of people so homogeneous in race, thought, feeling, and religion; so united in their political ideas; so devoted to education and learning; and of such long continued existence in all these characteristics. They were ripe for any sort of national characteristic and naturally, perhaps, for a varied and complete literature. Since then the conditions have been radically changed. The enormous influx of foreigners of alien race, ideas and religion have made half the population of New England foreign, destroying the homogeneousness and native feeling.

It may possibly have been that this outbreak in New England was helped, though perhaps not caused, by the general ideas of the time, the inspiration of the crusade against slavery, the enthusiasm of the new democracy, the hopes and experiments in government following our own revolution and the revolution in France, the confusion and conflict of momentous principles in the Napoleonic wars, the hopes from the marvellous discoveries in science and the general excitement and optimism of mind which was such a tonic to intellect in the first half of the nineteenth century. All this would naturally call out a type of men quite different from those called out by the mere development of wealth, syndicates and corporations. The contemporaries in Europe of the famous New Englanders

were Napoleon, Goethe, Peel, Disraeli, Gladstone, Macaulay, Browning, and Tennyson.

Other explanations have been suggested; as, for example, the wide diffusion in New England, for so long a time, of education and learning among the common people. But in the last sixty years that education is generally credited with having been so improved and extended that the old methods are quite inadequate and ridiculous. On the other hand this very improvement has been regarded as an injury, the worshipping of false gods under the designation of reforms, and the modern school system a manufactory of a machine-made product with interchangeable parts, exactly alike, and anything like individuality promptly suppressed. Were a Shakespeare by any chance, they say, to be dropped down to-day, a child, into the common schools of New England, all the Shakespeare in him would be at once obliterated beyond any possible recognition.

Following these suggestions in their relation to Webster, we find him about as thoroughbred and typical a New Englander of that time as it was possible to be, a native of the native stock, brought up in the old characteristic environment of religion, politics and education.

On his father's side he was descended from the Bachilders, or Bachilers, a dark complexioned, dark haired family, from whom the poet Whittier was supposed to be descended. The migrating ancestor of this family was a learned minister of the Gospel, of much talent, and an independence of character which kept him in continual hot water in the old Puritan days in Massachusetts.

His two descendants, Webster and Whittier, who are said to have resembled him and somewhat each other in striking appearance, would seem to indicate a prepotency to genius in the strain. Poetic and romantic sentiment filled the lives of both of them and was the foundation of Webster's oratory. Webster had the dark eyes, hair and complexion of the Bachilders in

excessive degree. Several of his brothers and sisters had the light complexion of the Websters.[1]

He was born in the township of Salisbury, near the present town of Franklin, New Hampshire, on the 18th of January, 1782, the year before the signing of the treaty of peace, which closed the Revolution. His father, Ebenezer Webster, born in 1739, had been brought up at Kingston in the southeast corner of New Hampshire, near the sea; and the family, it is said, can be traced in church and town records back to their first settlement at Hampton on the coast in the year 1636. The stock was thoroughly New England, and in the line of the father's name they had presumably been farmers and out-of-doors people for many generations.

Ebenezer is said to have been bound as an apprentice at an early age to a man named Stevens, who brought him up; but in violation of the articles of apprenticeship, never sent him to school. In 1760, when he was about twenty-one, he joined himself to Rogers' Rangers and served with them for the rest of the French and Indian Wars until the final peace in 1763. These rangers were woodsmen soldiers that kept watch on the Indians of the New Hampshire northern frontier, resorting, it is said, to skates and snow-shoes to aid their scouting expeditions; and they also served with Amherst in the invasion of Canada. Their commander, Rogers, went over to the loyalist side in the Revolution.[2]

After the close of the French Wars in 1763, there was a movement among the people in southern New Hampshire to press northwards and settle in the wilder-

[1] Whittier thought himself descended from the Bachilders, and it is so stated in Pickard's life of him, vol. i, p. 12. But now a genealogist comes along who says that the poet was mistaken, and did not know his own ancestry. N. E. History and Genealogical Register, 1896, vol. i, p. 295; Carpenter's Life of Whittier, p. 10.

[2] Lyman, Memorials of Webster, pp. 160, 161. The apprentice story is mentioned by Theodore Parker, and does not seem improbable, but I know of no good authority for it.

ness of the province, which for more than half a century had been rendered uninhabitable by the hostility of the French in Canada and their allies the Indians. Ebenezer Webster, then twenty-four years old, and having risen to the rank of captain, joined one of these pioneer enterprises that started from Kingston, and he took up some land for a farm in a new township which, under the leadership of Colonel Stevens, to whom he had been apprenticed, was laid out upon the edge of the wilderness almost in the centre of the province and some fifteen miles north of the present town of Concord. The township was four miles wide north and south along the west side of the Merrimac River, and nine miles long in a southwesterly direction to Mount Kearsarge. There was for a long time no particular or important town or village. The settlers established their clearings here and there, with houses close to the roads or trails in the New England manner; the houses often grouped as near together as possible for mutual advantage and protection. The advance into the wilderness in New England had always proceeded by townships in this way, instead of by counties and the wider isolation of the south.

Ebenezer's farm, as his distinguished son afterwards said, was nearer to the North Star than any other of the New England settlements. There was nothing but wilderness and Indians beyond it through the White Mountains all the way to Canada. The land was about three miles west of the Merrimac on a hillside sloping up from a little stream called Punch brook, still known in the neighborhood as something of a trout stream. The youthful owner built himself a log cabin, married Mehitable Smith, and lived there peacefully for ten or twelve years. It was rough, wilderness farming, and the land was by no means good, but he had made a pitch, as they called it, where land was cheapest. The house was built close beside the trail, now a road, and only a few yards from Punch brook. The rugged hills,

some of them in the distance rising to the dignity of mountains, are still heavily wooded, and the general scene, when I visited it in the summer of 1910, was probably very much the same as in Webster's boyhood.

"My mother," says Webster, "was constantly visited by Indians who had never before gone to a white man's house except to kill its inhabitants, while my father, perhaps, was gone, as he frequently was, miles away, carrying on his back the corn to be ground which was to support the family." (Curtis, vol. i, p. 3, note.)

The farm was slowly improved; the Indians had ceased to be dangerous; and the family, no doubt, enjoyed their free vigorous life. They dammed Punch brook to form a pond and built a grist mill to be run by the water power. Some people in the neighborhood seem to think it was a saw mill; but from all the circumstances this is not likely; the saw mill came later, probably, and was farther down Punch brook.[3] The log house was abandoned for a better one built of boards on the other side of the road, and close to the mill. Whether Webster was born in the log house or in the new house has been questioned; but there should be no doubt about it, because in his speech at Saratoga in the summer of 1840, he distinctly says that he was not born in the log house. If he had been born in the log cabin he might perhaps have attained the Presidency of the nation; for his whig friend Harrison attained that honor largely through his log cabin birth, which was a powerful source of popularity at that time.

The log house, and very likely the new house, long ago disappeared. Photographs and engravings of the house now on the land are often published as the birthplace of Webster, but this house was built long after Webster's time. A small one story addition to it has

[3] A very old saw blade was recently found in Punch brook, at the site of the mill. But see Private Correspondence, vol. i, p. 60, for rather strong evidence that the mill was for grinding corn.

HOUSE IN WHICH WEBSTER WAS BORN
(From Lanman's Sketch)

been supposed to be the house built to replace the log cabin; but judging from what I learned on a visit there this is hardly probable.[4] A sketch, however, of the house which replaced the log cabin was made by Webster's private secretary, Lanman, approved by Webster as correct, and has been reproduced for this volume. It is different in appearance from the one-story addition to the modern house. The windows are differently placed and so is the chimney.

In the log cabin five children were born, and in March, 1774, the wife died. In August of the same year Ebenezer married Abigail Eastman, who also bore him five children, of whom Daniel was the next to the youngest. This circumstance of his being the youngest son and next to the youngest child, has been cited by those who believe that geniuses and remarkable characters are more apt to appear in the maturer and later years of the parents.

When the Revolution broke out in 1775 Ebenezer took at times a very active part in it. He led a company of his neighbors to join the New England army that locked up the British in Boston. He was at the Battle of White Plains in 1776, and went to the relief of Ticonderoga in 1777. He fought at Bennington, where he was among the first to scale the breastwork of the German troops and came out so covered with dust and blackened with powder that he could scarcely be recognized. He was at West Point at the time of Arnold's treason, and is said to have stood guard or commanded the guard before Washington's headquarters the night after the treason. Washington is reported to have said: "Captain Webster, I believe I can trust you." A great deal of the time he was probably at home, like other continental soldiers, look-

[4] General Lyman, who visited the place in 1849, says of the house in which Webster was born, that not a vestige of it remained except the cellar. Memorials of Webster, vol. i, p. 170.

ing after his family and farm and serving on those committees which carried on civil government and repressed the loyalists. This method of being with the army in summer, or in an emergency, and the rest of the time keeping their family and property together and managing local politics, was a makeshift, troublesome method. But it had its advantages, for when at home they were to some extent increasing the patriot resources by farming, and were not bankrupting Washington's army by living on its slender supplies.

Though made a colonel of militia in 1785 Ebenezer Webster was generally, in his own neighborhood, called Captain, the rank he had had in the Revolution. His education was slight. He had never been to school, it is said, but had taught himself to read and write, and some of the earliest records of the township are in his handwriting. His ability was not remarkable and yet it might have been so if he had had an education. That was his own opinion of himself; and in a modified way he seems to have had the beginnings of some of the qualities which made his son illustrious. Even without education he had strong character, sense and judgment. He held numerous public offices, took part in establishing a circulating library in his neighborhood, served in both branches of the legislature, was a member of the convention which ratified the Federal Constitution, but was not, as has been supposed, a member of the convention that framed the State constitution to take the place of the old colony government of New Hampshire.[5] In the latter part of his life he was made a lay judge of the county court of common pleas.

His service in the New Hampshire convention of 1788 which voted to adopt the National Constitution, which his son became so distinguished for defending against nullification and secession, and at another time was so maligned for supporting its compromise with

[5] New Hampshire State Papers, vol. vii, p. 704; vol. x, p. 5.

slavery, is certainly interesting and has raised a rather curious controversy. A majority of the delegates to that convention went to it instructed by their constituencies to vote against the acceptance of the new constitution, because it compromised with the South, permitted the existence of slavery and the return of fugitive slaves. Slavery, though permitted by the laws of New Hampshire, was not congenial to the people or the soil and died a natural death, without formal abolition. Ebenezer Webster represented Salisbury, but had a committee to advise him. This committee advised against the Constitution; but as the story goes, Ebenezer finally obtained permission in favor of the Constitution, and when the vote was about to be taken, made a remarkable speech.

"Mr. President, I have listened to the arguments for and against the Constitution. I am convinced such a government as that Constitution will establish, if adopted—a government acting directly on the people of the States—is necessary for the common defense and the general welfare. It is the only government which will enable us to pay off the national debt—the debt which we owe for the Revolution, and which we are bound in honor fully and fairly to discharge. Besides I have followed the lead of Washington through seven years of war, and I have never been misled. His name is subscribed to this Constitution. He will not mislead us now. I shall vote for its adoption." (Works, National Edition, vol. xiii, p. 552.)

If that was his speech, it shows us exactly where Daniel got his oratory as finally matured, even his famous use of short sentences and several small touches of style. Indeed, it is quite a startling and close summary of the Reply to Hayne and the Reply to Calhoun. But, unfortunately, there is a fly in the amber, and the journal of the convention shows that when the Constitution came up for final adoption or rejection, Ebenezer was one of four delegates who were marked present, but did not vote at all. If he made such a fine speech why did he not vote for the object of his admiration, especially if, as is said, he made the speech

just as the vote was about to be taken. Approval of the Constitution was carried by a very narrow margin and almost every vote was needed. There is a tradition that some of the four not voting were enticed away by a good dinner in another part of the town, and if Ebenezer was one of them, it would account for another trait in his son. But seriously, this supposed speech is not well authenticated. It rests on mere oral tradition and may have been touched up by several hands. Though interesting, and even beautiful in its way, it is perhaps, a little too much so.[6]

About a year after Daniel was born the family moved about three miles eastward to a farm on the banks of the Merrimac. In fact, they just followed down Punch Brook, as one still does by a rough road, to where it flows into the river, and then turned southward into some fine level interval land. Mrs. Call, the mother of the family from whom they bought this land, had been killed there by the Indians in 1775, and there was on the place the remains of an old stockade fort. General Stark, when hunting near there many years before, had been captured by the Indians and carried to Canada.[7]

The farm was afterwards called The Elms from the numerous trees of that sort near the house. But at first the Websters lived in a house which for fifteen years they kept as a tavern; and Lanman says that young Daniel had even then those wonderful tones of voice, and the teamsters stopping at the tavern would get him to read aloud passages from the Bible. Half a century afterwards when Webster was delivering

[6] Mr. A. S. Batchellor, editor of the New Hampshire State Papers, has kindly furnished some references on this subject. Walker, History of N. H. Federal Convention, pp. 4, 17, 37, 43, 44; Proceedings of N. H. Bar Association, vol. i, p. 136; History of Salisbury, p. 115; Journal of Convention N. H. State Papers, p. 9. See also Curtis Life of Webster, vol. i, p. 9; Works, National Edition, vol. xiii, p. 552.

[7] Lanman, Private Life of Webster, p. 123.

WEBSTER TAVERN AT ELMS FARM

political speeches in Ohio, a man came up to him and said, "Is this the little black Dan that used to water the horses?" And the dignified statesman replied without the slightest hesitation, "Yes, this is the little black Dan that used to water the horses."

In 1799 his father exchanged houses with his son-in-law, William Haddock, and went to live in what became known as The Elms House, a few hundred yards away, which, with a modern addition, is still standing close to the road, and constitutes part of a flourishing State Orphan School. There seem to have been several houses grouped comparatively near together along the road in the usual New England fashion.[8] In recent times there has been an inclination to ignore the tavern period as unbecoming the distinguished subject of this biography. But as Webster himself did not ignore it, and, according to his private secretary, Lanman, went in his old age and sat on its porch and told stories of his boyhood, no apology seems to be needed for recording the fact.

This move to a more valuable farm, better in soil and apparently with several tenant houses on it and good buildings, would seem to indicate a decided improvement in the circumstances of the family. But their resources were always small, the farm mortgaged, and the three hundred dollars the father received for his judgeship a godsend. The classes who made any money in the period of the Revolution were speculators, privateer owners, and certain merchants and lucky individuals. The farmers who became soldiers (and the armies were made up principally of farmers), usually made no headway and often lost everything. Ebenezer was probably very fortunate to be no worse off than he was. His small means and the habits of debt and

[8] For the date when Ebenezer moved from the tavern house I am indebted to Mr. F. N. Hancock, who lives at the spot and whose ancestor, Benjamin Sanborn, was a contemporary of Ebenezer Webster and a grantee of adjoining land.

borrowing entailed on his children have been supposed to account for certain unfortunate traits in the career of his distinguished son.

The narrow finances of the family must not, however, mislead us. Standards and conditions were different in those days. There is little or no trace of coarseness in the family history. In fact, everything that we know with any certainty about them, especially their letters, rather surprises us by a certain refinement, perhaps more common then than now, but a characteristic still to be found among New Englanders of small means. Daniel's apparently instinctive refinement, shown not only in his language, but in his ideas and whole mental attitude, has surprised investigators, and there has been an inclination to account for it by subsequent experiences in his career. But the family evidently had the Puritan respect for learning; the father's mother had been the daughter of a Puritan minister; and the father educated himself apparently to his utmost. His interest in establishing a circulating library, the public offices he held, and the ease with which his son Daniel passed into other social classes imply something more than a narrow or coarse outlook on the world. We find the same characteristics in John Adams of the Revolution, who was also the son of a small farmer.

The son Daniel was marked from all the rest of the family by delicate health, so delicate that for a long time he was never asked to do any of the heavy and important work on the farm. His brothers and sisters were strong. His father is described as a dark-haired, tall, robust and handsome man, genial, friendly and humorous. The mother, judging from a silhouette that has come down to us, seems to have been a stout, vigorous woman, with a face of marked character and intelligence.

The exceptional delicacy of Daniel in a family of such vigorous children and parents was, no doubt, due

to his precocious brain, and strong emotional nature which became the foundation of his eloquence. In after-life, Webster was, like Henry Clay, very emotional. Tears uncontrollable would well into his eyes. Scenes in nature, people, occasions, high thoughts, roused him to intensity. Such a nature in childhood draws severely on the vital forces.

He was unusually fond of reading both to himself and aloud. His father is said to have had a saw mill on Punch Brook, part way between The Elms and his old place, and there is a tale that Daniel would set the log and then sit down and read a book during the ten or fifteen minutes that the old-fashioned saw was passing through the timber.[9] He read everything he could find, and committed a great deal of it to memory. He is said to have bought at William Hoyt's country store, just across the road from The Elms House, a cotton handkerchief on which the Constitution of the United States had been printed soon after its adoption, as one of the means of giving it a wide circulation. Daniel sat down under one of the elms, General Lyman tells us, and read it. It was his first acquaintance with the document he was to become so famous in defending; and Rufus Choate in his eulogy reminds us that Napoleon when a boy played with a little cannon and that Martin Luther found amusement in a Latin translation of the Bible.

Daniel's unusual mind and emotionalism were evidently sucking away the vital force that enabled his less gifted brothers to swing heavy axes and plough all day long. We all have known instances of this early development; and if we can believe certain educators and physicians a large proportion of these children are in modern times either killed or ruined for any high purpose by our excessive system of educa-

[9] Dearborn, History of Salisbury, N. H., p. 156; Lanman, Private Life of Webster, pp. 18, 21, 22; Lyman, Memorials of Webster, vol. i, p. 197.

tion. Their minds seem already so promising that it is believed that they can be forced to wonderful results, when the true method is to let them alone, not force them at all, or even stop their schooling. Little Daniel and Henry Clay in the modern environment would have bent over desks, breathed bad air, become excessively smart, worn spectacles at fourteen, and for the rest of their lives have been brilliant minds in crippled bodies, seedy, solemn-faced and peculiar.

But Webster was born to more fortunate conditions. His parents knew none of the modern reasoning on these subjects; there were no books on nervous diseases; and in old Dr. Johnson's dictionary the word nervous meant strong. The parents did exactly the right thing, for Daniel. He was expected to do only the lightest work; he was taught to read, he could not remember when, but supposed his mother and sisters taught him; and for the rest he could play and roam through the woods and fields to his heart's content.

He acquired, as he tells us, a love of play and an admiration for the great out-of-doors, which lasted all his life; and as a boy he certainly had golden opportunities at Elms Farm. Its flat, fertile fields stretched toward the shores of the Merrimac, only a few hundred yards away. High hills, the foothills of the White Mountains, bounded the sides of the valley; and beyond them the great elephant-like masses of the main range began to lift themselves to view. Less than three miles north of the farm the two streams, the Pemigewasset and the Winnepisoegee, unite to form the Merrimac. The first, "the beau-ideal of a mountain stream, cold, noisy and winding," as Webster called it, comes direct from the innumerable brooks of the mountain slopes. The other is the outlet of Lake Winnepisoegee. What a playground it was for a giant intellect! Could the gods themselves have designed a better nursery for the infant Hercules?

He wandered all over it; he became a naturalist,

WEBSTER HOUSE AT ELMS FARM

THE INTERVAL LAND ALONG THE RIVER, ELMS FARM

a minute observer of nature and a sportsman. He watched how the river changed its bed or deepened its channel, "the philosophy of streams," as he afterwards called it. He remembered all his life how the salmon and the shad came up the river in the spring, "shook hands and parted" at the confluence of the two streams, "the shad all going into the warmer water of the lake and the salmon keeping in the cold mountain torrent, which they continued to ascend, as used to be said, until their back fins were out of water." [10]

An old Englishman, Robert Wise, who had been a sailor with Admiral Byng in the Mediterranean, a soldier at the Battle of Minden, and had deserted to the Americans in the Revolution, had a cottage with his wife on the Webster farm. He taught Daniel to fish, wandered over the country with him and told him tales of France, Spain, and Holland and the "yellow-haired Prince Ferdinand."

"Alas, poor Robert! I have never so attained the narrative art as to hold the attention of others as thou with thy Yorkshire tongue hast held mine. Thou hast carried me many a mile on thy back, paddled me over and over and up and down the stream, and given whole days in aid of my boyish sports; and asked no meed but that at night I would sit down at thy cottage door and read to thee some passages of thy country's glory!" (Autobiography, Correspondence, vol. i, p. 16.)

In recent years, with our immense urban populations, cut off from the woods and fields, nature study, as it is called, has been introduced into our schools to mitigate the rank materialism and contempt for everything else, which are the bane of American life. It is supposed to restore that honest admiration and enthusiasm for the beauties of nature and the universe of God, which are primitive and elemental in mankind. Webster got this "culture study" in the fullest measure and it tinged the point of view of his eloquence and all his after life. Henry Clay had this same passion for

[10] Lyman, Memorials of Webster, vol. i, pp. 155–159.

nature and used to say that his farm at Ashland was his real life and politics and law incidentals. Webster's passion for such things was stronger, and he was always escaping to nature and sport at the slightest opportunity. His speeches charm the mind because you see through the words into nature. His luminous statement of dry, legal and political ideas is usually luminous because he instinctively illustrates it from something in those scenes of nature in which his intellect lived nine-tenths of the time.

The sun, moon and stars, the ocean and winds, animals, trees and homely scenes and thoughts are found at the basis of nearly all the remarkable quotations from his works. The first words of the famous reply to Hayne spellbound his audience by the sudden appeal to universal human sympathy, to the mariner tossed about in thick weather and on an unknown sea and suddenly availing himself of the first glance of the sun to take his latitude.

As he grew older he had to be given the slight schooling which the neighborhood afforded. His father was anxious to educate his children to the full extent of his limited ability. The schools were kept by what may be called itinerant teachers, who taught part of each year in several neighborhoods. Daniel followed them about, sometimes having to walk two or three miles and when too far away he was boarded in a family near the teacher.

"In these schools," he says, "nothing was taught but reading and writing; and as to them, the first I generally could perform better than the teacher, and the last a good master could hardly instruct me in; writing was so laborious, irksome and repulsive an occupation to me always. My masters used to tell me that they feared, after all, my fingers were destined for the plough tail." (Autobiography, Correspondence, vol. i, p. 7.)

These teachers were usually, no doubt, very young men, students themselves, as was so long the custom in

New England. One of them named Tappan must have been quite young, for he outlived Webster, and one of the last acts of Webster's life was to send him a present of money for his old age.[11]

Webster's contemporary, Henry Clay, with whom one always instinctively compares him, had this same sort of schooling in a little log house in Virginia, and in the end far less education than Webster. It was not a severe education in those New Hampshire winter schools to which the boys came romping through the deep snow with their breath frozen in hoar frost on their curly hair. It would hardly have been an injury to the nervous system. When we consider the elaborateness and the time spent, the number and variety of studies of the modern school system, the ever-changing text-books each one more perfect than its predecessor, the ever-changing theories each one stamping its predecessor as ridiculous, we wonder at the old-fashioned system of our fathers which seems to have produced as good culture and ability as our own. When we consider the vast expenditure of thought, energy, experiment, and money to produce during the last seventy years the modern system, it seems at times as if the result was hardly in proportion to the effort. Of course, changed conditions, science, steam and electricity, vast wealth and enormous population have produced the modern complexity of life, up to which, we are told, we must be educated. If we must have a huge population like China and the East we must be content with a sort of Chinese civilization, in which individuality is considerably suppressed. We have now such enormous masses of future voters, that we must educate them artificially, even at the cost of crippling or even killing considerable numbers of them, and some of these the brightest and most ambitious. From the utilitarian point of view, such sacrifice of the innocents

[11] Lanman's Private Life of Webster, p. 17.

may be absolutely necessary for the general result. But at the same time it may be well to know exactly what we are doing, and not to forget some of the obvious advantages of Daniel Webster's youth, as well as of the youth of Henry Clay and other remarkable men of that era. As a foundation of eminent ability, or any ability, it is difficult to find any substitute for physical well-being and native freshness; and eloquence is as much a physical as a mental quality.

As he passed on his teens Daniel's delicate health began to improve. He began to do some of the heavier farm work; but was slow, he admits, to learn to mow; and was continually asking his father to hang his scythe differently. At last the father's patience was exhausted and he told the boy to hang the scythe to suit himself, whereupon Daniel, as the story goes, hung it in a tree and left the field.

When once his youthful ill health had passed, his constitution became remarkably vigorous. His mature life was comparatively free from illness and disease until the one of which he died after a life of severe toil when over seventy years old. His resisting power was excellent; he seems to have suffered from none of the ordinary acute diseases; and was rarely during his long life disabled from his very arduous labors. During his last eighteen years he was more or less troubled, his physician said, with a tendency to diarrhœa, becoming persistent during the last three years of his life. During most of the same period he had annual hay fever. He is generally supposed to have injured himself by the convivial habits he learned among the Senators in Washington. In May, 1852, when more than seventy years old, he was hurled from his wagon and received injuries, especially in the head, which it was thought at the time would have killed most strong men. But he recovered and made speeches and wrote diplomatic papers, which showed an unimpaired intellect. About four months after the accident his physician noticed the first symptoms of cirrhosis of the liver, of

which he died in about two months. During his last hours, as well as in his previous life, his power of resistance to disease surprised his physicians.

Both physically and mentally he evidently went back to some very powerful origin. His brothers and sisters, though more vigorous in the beginning, were rather short lived; and he far outlived them all. As soon as he had conquered that early youthful weakness, which he tells us was not until he was twenty-five, he grew rapidly into that superbly robust and powerful man of intellect which, it is said, once caused a workman in the streets of Liverpool to turn and exclaim, "My God, there goes a king!" Anecdotes of this sort are numerous all through his life. His physique was so impressive, it so exactly matched the intellect that flamed in his black eyes under their heavy brows, that he could hardly have avoided the universal distinction that awaited him. Theodore Parker said that he had a lion's mouth that could smile as softly as a woman's. The muscles and nerves in his face must have been of very perfect development and no actor ever had them under better control.

Though fond of good living and wine, he is said not to have smoked in his mature years, and his white, handsome teeth, an inheritance it seems from his father, retained their appearance until late in life. He was not tall; five feet ten inches, his physician reported; and his usual weight 190 pounds.[12] But he always gave the

[12] American Journal of Medical Sciences, January, 1853, vol. xxv, p. 110; Harvey Reminiscences, pp. 7, 210, 277; Lanman, Private Life of Webster, pp. 119, 179, 20, 117. When a youth just out of college he appears to have smoked. Correspondence, vol. i, pp. 93, 118. Harvey says that at Marshfield he kept cigars for his friends, but did not use them himself. There has been much dispute about his height, some guesses going over 6 feet. I have given 5 feet 10, because it is the report of the physician who made the post-mortem examination. Senator Hoar gives his height as a trifle over 5 feet 9 inches and his weight as 154 pounds, but says that he always looked as if he were over 6 feet and weighed 200. Autobiography of Seventy Years, vol. i, p. 142.

impression of being taller than he really was. It was the harmony of proportion, the infusion of mind and physical strength in his whole appearance, that produced this effect. As he advanced into middle age the slimness seen in his early portraits changed. He became broad and heavy around the chest; and it was no doubt at this period that his weight went up to 190 pounds, too much, according to the usual rule, for his height. In the first half of his career, judging from his portraits, his weight could hardly have exceeded 165 pounds. One of his most marked characteristics in the latter half of his life was a peculiar firmness of tread and firm solidity when he stood to speak, which added greatly to his impressiveness.[13] That solid building of argument, step by step, irrefragable and unescapable, while his delighted hearers listened almost breathless, was conformable with his whole appearance. This characteristic is evidently intended to be conveyed in the Burnham bronze statue of him in Central Park, New York; and it appears in the daguerreotype taken of him when he was sixty-eight years old at the time of the seventh of March speech. Those were the days of his vigorous old age when his black eyes still flamed under his superb brow and his face was "rugged with volcanic fires."

It was a picture, they say, to see Webster in the Supreme Court, standing firm as a rock, beautifully dressed and solemnly listening to old Chief Justice Marshall, an almost equally picturesque figure, delivering an opinion. Webster's hands and feet, it is said, were rather small, and his forearm was not long like Henry Clay's. This comparative shortness of forearm was probably the reason why Webster made so few gestures. It is rather difficult for a man with a short forearm to make good or graceful gestures in public speaking. Clay's long arm and hand were in this respect a great advantage.

[13] Everett, Orations and Speeches, vol. iv, p. 159.

Webster is described as a young man by N. P. Rogers, of New Hampshire, who, with perhaps some exaggeration, gives the picturesque impression he produced in one of his first important cases.

"There was a man tried for his life and the judges chose Webster to plead for him; and from what I can learn, he never has spoken better than he did there where he first began. He was a black raven-haired fellow with an eye as black as death's and as heavy as a lion's—that same heavy look, not sleepy, but as if he did not care about anything that was going on about him or anything anywhere else. He did not look as if he was thinking about anything, but as if he would *think* like a hurricane if he once got waked up to it. They say the lion looks so when he is quiet. . . . Webster would sometimes be engaged to argue a case just as it was coming to trial. That would set him thinking. It would not wrinkle his forehead, but made him restless. He would shift his feet about, and run his hand up over his forehead, through his Indian-black hair, and lift his upper lip and show his teeth, which were as white as a hound's." (Harvey's Reminiscences, p. 49.)

William Lloyd Garrison, the abolitionist, who saw most of the distinguished men of both Europe and America, remarks on how often their personal appearance failed to conform to the impression one had acquired from their deeds or writings; and he was particularly struck with this when he saw the very weak presence of Wilberforce. But Webster, he said, was a remarkable instance of perfect conformity of physique to intellect. He looked what he was.

"His body is compact and of Atlantean massiveness, without being gross; his head is of magnificent proportions—the perfection of vast capaciousness; his glance is a mingling of the sunshine and the lightning of heaven; his features are full of intellectual greatness." (W. L. Garrison, The Story of His Life, vol. i, p. 357.)

In mature years he became very careful and precise in his dress and appearance. In fact, he dressed most carefully for every speech. The costume he finally adopted for the court and the Senate was a blue coat

with brass buttons, cut very much like the modern evening dress coat, a buff waistcoat and black trousers. This was his fighting uniform known everywhere, and he always looked particularly handsome in it. For other occasions he is said to have worn white or colored waistcoats, and often white trousers. His friend Mr. Curtis has described him in middle age as full of life and health, "as capacious of labor as of the enjoyment of all that the senses can enjoy, perfect in grace, and dignity, speaking in every motion and every look of power and energy and vitality."

His supreme confidence was always one of the striking characteristics of his genius, and a very important part of his success as an orator. In every presence he was unconsciously pre-eminent. Such elemental coolness goes only with sound nerves and a perfection of physical constitution which has every faculty under complete control and obedient to instant call. No man of his time grasped more easily and completely the whole complexity of a contest or a debate; no man saw so instantly the bearing of every point and turn as it arose. He prepared himself for the least or for the greatest occasion merely by having his mind full of the subject, and then he was ready at any moment to pour it forth or use it as required. After the first shyness of youth had passed vast audiences and momentous occasions had no terrors or embarrassments for Webster.

His contemporaries said that he always began a speech in a low key. His appearance and equipoise were very impressive as he arose; but he spoke very quietly at first and was gradually aroused by the importance of his arguments and subject. He would never go beyond the occasion. If he were addressing the court on a point of law, and ladies and spectators had crowded in to hear him, they heard nothing but a dry, legal argument, though delivered in very impressive tones. No amount of flattery could move him

from the path of good taste. He never attempted, like so many orators of his time, to create an artificial crisis or to make the small magnificent.

So many distinguished men have risen from apparently adverse circumstances on farms, or on the frontier in America, that it has become a commonplace of biography to magnify the difficulties of such an origin and exalt the character that has overcome such overwhelming impediments. I question, however, whether in this country such impediments have ever been real ones. The notion was, no doubt, borrowed from Europe, where the peasantry have been held down by law or artificial distinctions. In America the so-called difficulties of "humble origin and youthful poverty" have been in many cases most decided advantages. But the general tone has been so long the other way and popular oratory has so exaggerated the misery and hopelessness of any boy not born a millionaire, and the miracle of his rising out of it, that men are often ashamed to admit that they had any advantages in their youth and instinctively belittle their early education.

There have been, of course, attempts to give Webster the distinction of rising out of miseries and hardships. The "dark frowning forests" of his early home, the terrors of that bleak climate and wilderness, and the destitution of farm life are suggested in the usual way as if they had been demons conspiring to crush him. But it is more likely that they were his good angels conspiring to give every advantage to a precocious mind.

I spent four years at school within twenty miles of Webster's home in New Hampshire. I have seen the thermometer go to thirty degrees below zero, the snow deep on the ground from November to April, and every vehicle changed from wheels to runners. I have snow-shoed over the hills, canoed on the lakes and streams, climbed old Kearsarge and encountered almost all the characteristics of nature in that region. It

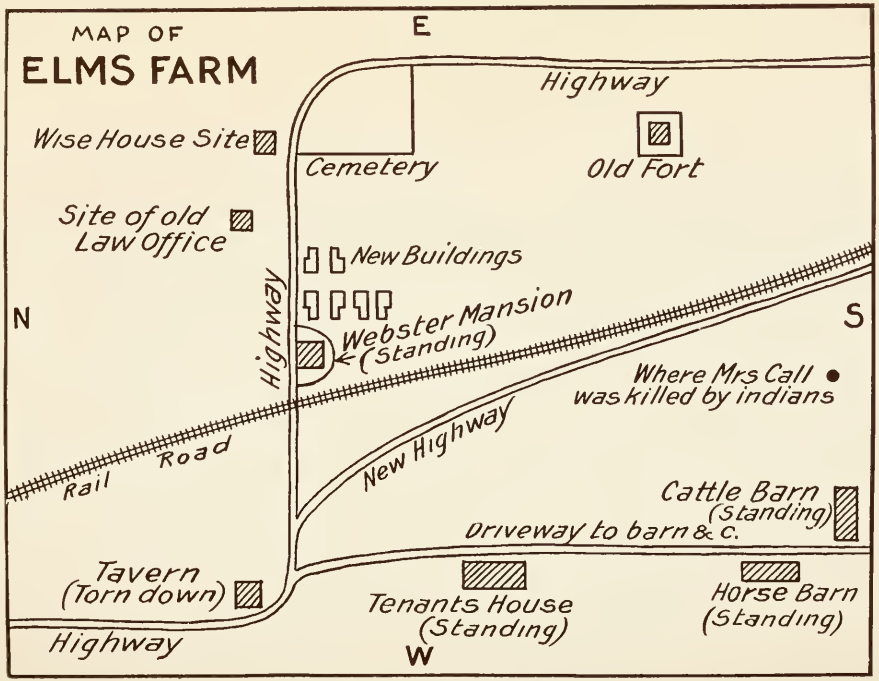
would require a great deal to convince me that there is anything but light, beauty and bounding health in those foothills of the White Mountains. I can recollect nothing dark or frowning except the faces of my teachers; and I do not believe that Webster's home and its surroundings could have been improved upon.

His father's experiences in the French Wars and the Revolution, related by the fireside, must have been inspiring to a boy. The father had a fine voice, "an untaught, yet correct ear," the son says, "and a keen perception of all that was beautiful or sublime in thought."[14] He often read the Bible aloud to his children, especially the grand poetry of the Old Testament. Hence those marvelous tones of the son and his love for all similar literature. Hence, also, no doubt, the son's correct ear, and fine sense of harmony in the formation of sentences. The same father's prominence in the politics of the State was another important preparation for the son. Is there a modern university that can give any more?

Webster himself, it is perhaps needless to say, had never a complaint to make of the circumstances of his youth. He despised all the tricks of the demagogue and that one among them. He loved all the scenes and circumstances of his childhood and was proud of them. Henry Clay once descended so far as to make capital for himself by saying that he had inherited from his father nothing but ignorance and indigence. But rather than say such a thing as that Webster would have cut off his right hand.

When he was fourteen his father became more ambitious for him, and one hot July day in the hay field announced his intention to give him a better education than the other children. Either on account of his delicate health or his talents, Daniel seems to have been always particularly favored by the whole family, an

[14] Works, National Edition, vol. xiii, p. 572.



MAP OF ELMS FARM
From a Drawing by F. N. Hancock

unfortunate circumstance, says Senator Lodge, and one which tended to spoil him and produce some of the less desirable traits of his later years.

"Of a hot day in July, it must have been in one of the last years of Washington's administration, I was making hay with my father, just where I now see a remaining elm tree. About the middle of the forenoon the Honorable Abiel Foster, M.C., who lived in Canterbury, six miles off, called at the house, and came into the field to see my father. He was a worthy man, college learned, and had been a minister, but was not a person of any considerable natural power. My father was his friend and supporter. He talked awhile in the field, and went on his way. When he was gone my father called me to him and we sat down beneath the elm, on a hay-cock. He said, 'My son, that is a worthy man; he is a member of congress; he goes to Philadelphia and gets six dollars a day, while I toil here. It is because he had an education which I never had. If I had had his early education I should have been in Philadelphia in his place. I came near it as it was. But I missed it, and now I must work here.' 'My dear father,' said I, 'you shall not work. Brother and I will work for you, and will wear our hands out, and you shall rest.' And I remember to have cried and I cry now at the recollection. 'My child,' said he, 'it is of no importance to me. I now live but for my children. I could not give your elder brothers the advantages of knowledge, but I can do something for you. Exert yourself, improve your opportunities, learn, learn, and when I am gone, you will not need to go through the hardships which I have undergone, and which have made me an old man before my time.'" (Correspondence, vol. ii, p. 228.)

It might be questioned which, in the end, went through the most hardships, the father or the son. But the following May, 1796, the son went to the Phillips Academy at Exeter, since then a famous school, but at that time of only about fifteen years' standing.

The boy had been much of a reader at home, as was apparently the whole family. He had read Addison's "Spectator," one of the chief standards of the time, and a book on which, it will be remembered, Benjamin Franklin trained himself in his youth, and which is supposed to have helped to give him his masterful

facility in the use of language. Webster may owe almost as great a debt to it. He tells us of his delight in reading the verses of Chevy Chase quoted in it. "I could not understand," he says, "why it was necessary that the author of the 'Spectator' should take such great pains to prove that Chevy Chase was a good story; that was the last thing I doubted." He had learned by heart the psalms and hymns of Dr. Watts, and could repeat the whole of Pope's "Essay on Man." "We had so few books," he says, "that to read them once or twice was nothing. We thought that they were all to be got by heart."

In short, the boy's susceptible mind was nourished on some of the most vigorous literature in the language wrought into his being by memorizing. What could be a better standard than Chevy Chase, that most exciting of deer hunts, in which "before high noon they had a hundred fat bucks slain." And before sunset the hunters under Earl Percy and Earl Douglas had slain each other by thousands. The simplicity of the narrative will delight us forever.

> "To drive the deere with hound and horne
> Erle Percy took his way.
> The child may rue that is unborn
> The hunting of that day."

Then that archer who had a "bow bent in his hand made of a trusty tree"—was there ever a more perfect sentence of primitive directness than his use of the bow upon Sir Hugh?

> "Against Sir Hugh Montgomery,
> So right the shaft he sett,
> The grey goose wing that was thereon,
> In his heart's blood was wett."

Perhaps we now have the source of some of those telling sentences Webster learned to use. Nor were the hymns he memorized from Dr. Watts to be despised.

SILHOUETTE OF WEBSTER'S MOTHER

We smile at the good old doctor nowadays, especially for that one among his hymns for children, which begins,

"Let dogs delight to bark and bite;
For God hath made them so.
Let bears and lions growl and fight;
For 'tis their nature too."

But surely it was expressive. Many generations of New Englanders were brought up on Dr. Watts. Much of his verse is full of beauty; and much of it has the primitive directness of expression. For example:

"Were I so tall to reach the pole,
Or grasp the ocean in my span,
I must be measured by my soul,
The mind's the standard of the man."

The New Hampshire boy was influenced by this, and by the primitive directness of the Old Testament; and when Sir Walter Scott's poetry began to appear, the verse Webster loved best to repeat, his secretary says, was one of this same primitive directness from the "Lay of the Last Minstrel."

"The stag hounds, weary with the chase,
Lay stretched upon the rushy floor,
And urged in dreams the forest race,
From Teviot-stone to Eskdale moor."
(Works, National Edition, vol. xiii, p. 567.)

In the Webster home the arrival of the annual almanac, with its quotations of poetry and prose, its jokes, superstitions and valuable information all jumbled together, was in those days a great event and supplied the place of our newspapers and magazines. It had hardly arrived in the house before Daniel and his brother Ezekiel had all the poetry and anecdotes by heart.[15] It was, no doubt, all good discipline and a

[15] Works, National Edition, vol. xiii, p. 578.

great help in the end. But it amounted to nothing at Exeter, where Daniel was put at once into grammar and arithmetic, amidst strange surroundings, well-dressed boys, and manners and customs that bewildered him. "I scarcely," he says, "remained master of my senses."

He really got on very well in his studies, but from oversensitiveness was hardly conscious of it and was inclined not to come back for another term, had not the usher kindly urged it and told him that he was to be promoted into the next class. Strange to say, he was good in all his studies except declamation. The boy who a few years afterwards became famous for his supreme confidence before an audience, was so bashful at school that he could not utter a word from the platform.

"The kind and excellent Buckminster sought especially to persuade me to perform the exercise of declamation like other boys, but I could not do it. Many a piece did I commit to memory, and recite and rehearse in my own room over and over again, yet, when the day came, when the school collected to hear declamations, when my name was called, and I saw all eyes turned to my seat, I could not raise myself from it. Sometimes the instructors frowned, sometimes they smiled. Mr. Buckminster always pressed and entreated, most winningly, that I would venture, but I could never command sufficient resolution. When the occasion was over, I went home and wept bitter tears of mortification." (Autobiography, Correspondence, vol. i, p. 9.)

It was no doubt the remains of his delicate health and the intense sensitiveness that so often accompanies youthfulness in a high-strung, intelligent animal. He remained only about two terms, or nine months altogether, at Exeter, when his father took him home, and he taught school, it is said, for a few weeks near his father's on Searle, or Meeting House Hill, in a room in the home of William Webster, his uncle.[16] How

[16] Dearborn, History of Salisbury, N. H., p. 157; Lyman, Memorials of Webster, vol. i, pp. 211, 212.

many prominent New Englanders have taken a fling at teaching school in their youth. In this instance, however, it did not last long; for he soon went to school himself to the Rev. Samuel Wood in the neighboring town of Boscawen. On the drive of six miles to Boscawen to live at the home of Dr. Wood, Daniel's father announced to him that he intended to give him an education at Dartmouth College.

"I remember the very hill which we were ascending, through deep snows, in a New England sleigh, when my father made known this purpose to me. I could not speak. How could he, I thought, with so large a family, and in such narrow circumstances, think of incurring so great an expense for me? A warm glow ran all over me, and I laid my head on my father's shoulder and wept." (Works, Edition 1851, vol. i, p. xxv.)

A college education has always, in New England, been a wonderful thing, even in modern times; and in Webster's day it seemed to open up the whole world; there was nothing else quite equal to it. Dr. Wood had apparently been chosen as a quicker and less expensive road than Exeter, to hurry young Daniel to the New England Mecca. But the farm had to be mortgaged to furnish the means. It was an old-time instance of what we now call "cramming" for an entrance examination. But Webster seems to have gained some culture and pleasure from it.

"Mr. Wood put me upon Virgil and Tully, and I conceived a pleasure in the study of them, especially the latter, which rendered application no longer a task. With what vehemence did I denounce Catiline! With what earnestness struggle for Milo! In the spring I began the Greek grammar, and at mid-summer Mr. Wood said to me: 'I expected to keep you till next year, but I am tired of you, and I shall put you into college next month.' And so indeed he did; but it was a mere breaking in; I was indeed miserably prepared both in Latin and Greek; but Mr. Wood accomplished his purpose, and I entered Dartmouth College as a freshman August, 1797." (Autobiography, Correspondence, vol. i, p. 10.)

So he was in the rigid old classical course, which so many eminent men of our race have been inspired by; or have survived, as some are now disposed to think. He travelled to Hanover, the college town of Dartmouth, on horseback, carrying his feather-bed and bedding, his clothes, books and provisions for the journey on his horse. Was it not after all a good wholesome way? It was the old method of travel in New Hampshire, when wagons were few and expensive. A man, wife and child with provisions were frequently seen all on the same horse. The early settlers had advanced into the wilderness in that way. It is said that when Daniel reached Hanover he turned his horse out to pasture and had him to ride home at the end of the term in November.[17]

He was fifteen, which is four years younger than the average college entrance in our days. He became, in the end, a rather good Latin scholar, as things go in America, where the classics have never been taken quite as seriously as in England. He had a natural taste for the oratorical dignity of the Roman language. But in Greek his attainments were much less.

He continued to be an omnivorous general reader, a reading animal, like Lord Macaulay. He had found a copy of Don Quixote in the Boscawen library. "I began to read it," he says, "and it is literally true, that I never closed my eyes until I had finished it. Nor did I lay it down, so great was the power of that extraordinary book on my imagination." It must have been soon after this that he began to familiarize himself with all English literature, reading much of it, no doubt, again and again and committing great parts of it to memory without much effort; for the language and sentiments of the best authors of the language, especially Milton and Shakespeare, became a part of his being. "They sprang into his discourse," says his

[17] Dearborn, History of Salisbury, p. 416.

literary executor and biographer, Mr. Curtis, "sometimes in unbidden and unconscious quotation, and sometimes with a purposed use of riches which he had stored in one of the most retentive memories ever possessed by man."

There was a rule of the college, we are told, that "No scholar shall speak diminutively of the practice of labor, under penalty of being obliged to perform that which he endeavored to discredit."[18] Yet, in spite of this and his heavy and exhaustive labors for a long lifetime at the bar, in the Senate and as Secretary of State, in spite of his early rising and his energy in farming, fishing and shooting, many of Daniel's biographers insist that he was an indolent man. It is rather curious that this charge should have been so persistently continued; and it probably originated in Webster's entire freedom from nervousness and from the bragging about work and the affectation of hustle and haste which our people would understand the ridiculousness of if they could once stand off and see themselves. He was noticeably deliberate, even solemn, about everything; imperturbable on all occasions; with a thoughtful, dreamy look when not in action; and when he rested he really rested and relaxed completely.

There was no printed description of the college course as there is now, probably for the very good reason that it was so simple and well known that there was no necessity for printing it. In 1802, the year after Webster graduated, a broadside was issued and continued for several years; but these contain nothing like a modern description of the course; they give only the names of the students and of the faculty. For 1802 the President, John Wheelock, was Professor of Ecclesiastical History; B. W. Woodward was Professor of Mathematics and Natural Philosophy; John Smith was Professor of Latin, Greek, Hebrew and other

[18] Webster Centennial at Dartmouth, 1901, p. 277.

Oriental Languages; and Nathan Smith was Professor of Chemistry and Medicine. Besides these, there were three tutors, as they were called, possibly a relic of the system at the English universities. These tutors apparently filled up gaps in the courses, supplying what the professors left untouched. Professor Woodward was also a trustee and treasurer of the college, judge of the county court, and in many respects it is said, the best of the professors. That was all there was of the college, its courses and faculty, and one may draw his own conclusions and compare the course with the many pages of a modern one that is considered absolutely necessary to produce the modern paragon of youthful excellence.[19]

There was a college society, the United Fraternity, for essays and debates. It was like the similar societies in other New England colleges which have developed many an extemporaneous speaker besides Daniel. It must be remembered that these boys graduated from this now much ridiculed old curriculum at nineteen, the average age now of entering; and yet when we read the letters of Daniel and his friends in the first years after graduation, collected in his works, they seem in ability to use the English language by no means inferior to the compositions of the distinguished gentlemen of modern education who celebrated the Webster Centennial at Dartmouth in 1901.

In the spring of his Sophomore year, when Daniel returned home for the vacation in May, it was resolved that his elder brother, Ezekiel, should be sent to school and college. The farm was already mortgaged for Daniel's education, but the mother and sisters seem to have had no hesitation in assenting to another college education which would sweep away all the accumulated property of the family and leave them dependent in the end on the earnings of Ezekiel and Daniel. So

[19] Webster Centennial at Dartmouth, p. 26.

TICKNOR'S SKETCH OF DARTMOUTH COLLEGE IN 1803

Ezekiel, too, joined the New England aristocracy of education. He was of dark hair and complexion like the father and Daniel; very handsome; and famous all his life in New Hampshire for his good looks. His ability was of the solid, conservative order, equal, as some supposed, to Daniel's, and he became a prominent citizen of New Hampshire, an important man in politics, a member for many years of one or the other branch of the Legislature, and a much sought legal adviser. But he had, it seems, none of the brilliancy or quickness of apprehension of his distinguished brother, and died suddenly while speaking in the court-room at Concord, at the age of forty-nine.

Daniel was now earning a little money by helping to edit in the town a small weekly paper, *The Dartmouth Gazette,* and teaching school in vacation time. It was the familiar instance, which those of us who have been educated in New England have often seen, of a boy working his way through college. There was nothing particularly wonderful about it in Webster's case, nor was the hardship excessive. Such boys have their pleasures in life; possibly more pleasures than their supposed betters. In fact, their thrifty, economical struggle, is in itself a pleasure, and in itself an education of no small value. Daniel at times had money enough to help Ezekiel, and before long Ezekiel, in his turn, could help Daniel.

Many efforts have been made to collect from Daniel's contemporaries the sort of boy he was in college. But most of these reminiscences, having been written after he became famous, are from that point of view, and mere platitudes of excellence. "All his exercises," we are told, "in his whole collegiate course improved in excellence as time advanced." He always went to church and never smiled in church. He was dignified, constant, well prepared, industrious; he even knew more than his teachers; he was popular with his companions and "instructive to them in conversation"; he was,

"pleasant without ostentation;" it was impossible to think of an impropriety of conduct in connection with his name. Good Heavens, what a little wonder he must have been!

Fortunately, however, his room-mate Loveland, who lived to a great age, was caught in a hay-field one summer day, and sitting down close to God and nature, he described his old friend, Black Dan, in language which we can understand. He was ambitious, he said, took every opportunity to make himself conspicuous, "was rather bombastic and always ready for a speech." He was "not very popular with his class, owing to his being so independent and assuming." He "would appear rather stuffy if things did not go to suit him," and on one such occasion in a college debate got up and left the room. "Dan was rough and awkward, very decidedly, and I sometimes doubted whether he would succeed in life on that account." There was "something rather assuming and pompous in his bearing as well as in his style." But there was no doubt of his natural ability; his companions all recognized that he was very quick, ready at public speaking, and he "observed things remarkably and was quick to see their bearings." He read a great deal and was a "good, though not a very accurate, scholar." [20]

He used to go home with Loveland sometimes on Saturdays to hunt, and was a bad shot. He would put his feet on the fine soapstone round the fireplace so carelessly that Loveland's grandmother said he must not bring that boy home any more if he was going to scratch her Orford soapstone. Loveland appears to have taken the Abolitionist point of view and disapproved of Webster's political course; but no doubt he gives us a true glimpse of Black Dan. He was so dark that when he first arrived at Dartmouth someone thought he was an Indian coming to the Moor Charity School.

[20] Webster Centennial at Dartmouth, p. 42.

II

METHODS AND CHARACTER OF HIS ELOQUENCE

Towards the end of his college course Daniel's natural talent for public speaking began to show itself so conspicuously that the citizens of Hanover, the college town of Dartmouth, asked him to deliver the oration for the Fourth of July, 1800. He was then only eighteen years old and his oration, as a whole, seems even now a good one for a boy of that age, but, of course, is a boyish imitation of the bad taste of the time.

"Scattered in detachments," he says of the early colonists, "along a coast immensely extensive, at a remove of more than three thousand miles from their friends on the eastern continent, they were exposed to all those evils and endured all those difficulties to which human nature seems liable. Destitute of convenient habitations, the inclemencies of the seasons attacked them, the midnight beasts of prey prowled terribly around them, and the more portentous yell of savage fury incessantly assailed them." (Works, National Edition, vol. xv, p. 476.)

The first sentence of the above is well enough; but in the last sentence he is verging towards the extravagant tone of the day. A little farther on he describes the Revolution; "and America," he says, "manfully springing from the torturing fangs of the British Lion, now rises majestic in the pride of her sovereignty and bids her eagle elevate his wings." That was a trifle splurgy; and there was more about the Mississippi and the Alleghanies, and the manifest inferiority of Europe, which, coming from a boy, was right enough, and one would naturally applaud. Our own boys graduating at twenty-three with all the advantages of a modern curriculum are not much better than this junior of eighteen.

It has sometimes been thought that such extracts as these had better not be published, because they might detract from the fame to which the great orator afterwards attained. He himself had a half humorous feeling of this sort; and when Mr. Ticknor once reminded him at a dinner party that he had a printed copy of an oration Webster had delivered when a senior on the death of a classmate, Webster turned sternly towards him and said:

"Have you? I thought till lately that as only a few copies of it were printed, they must all have been destroyed long ago; but the other day Bean, who was in college with me, told me he had one. It flashed through my mind that it must have been the last copy in the world, and that if he had it in his pocket it would be worth while to kill him to destroy it from the face of the earth. So I recommend you not to bring your copy where I am." (Curtis, vol. i, p. 40, note.)

That funeral oration has been found and is now included in the National Edition of his Works. It is certainly a dreadful piece of artificial splurginess, from which Webster in later life very naturally shrank. But he was by no means at his best in funeral orations; and the one he delivered many years afterwards over his old friend Judge Story, reminds us in places very unpleasantly of the college performance. His reputation, however, is safe enough, and if there is any use at all in a biography, it should show his growth from mediocrity to distinction. He himself detested the bad taste of his early performances, and in his autobiography frankly says that he had not then learned the true art of expression. Without directly blaming his *alma mater* he gives us to understand that rhetoric was very badly taught; for he says his error was one "into which the Ars Rhetorica, as it is usually taught, may easily lead stronger heads than mine."

The teaching in oratory was defective in all American colleges and the popular taste was as bad if not worse. The development of our love of spread eagle

eloquence in that century until it reached a degree of extravagance, bombast and turgidity never known before in the world, is a curious history. In colonial times we find little or none of it. It is sometimes supposed to have been started by a similar bombastic oratory among the leaders of the French Revolution; or it may have begun in our own Revolution, and may have originated in a desire to imitate Patrick Henry's enthusiastic defiance, the imaginative flights of Burke, or the vigor and beauty of Lord Chatham. These orators all spoke so strongly for the cause of American rights that our people worshipped them, and every generation of schoolboys recited passages from their speeches. But all mere imitations of great orators end in turgidity. They cannot be imitated. If they could they would not stand alone; there would be hundreds like them.

The high excitement of the Revolution, however, and the necessity for violent appeals to passion and patriotism, very naturally led us into this imitative screeching. It has invaded our life to an extraordinary degree; its influence on the masses has been enormous and injurious; they learned to worship and rely upon it to the verge of infatuation. In its excessive development by American keenness and energy it has been used to lead the people into cheap money crazes; to befog their understanding with impossible ideas and tawdry sentimentalism, and leave them a prey to the corruption of capitalists and monopolies. It has been used in the courts to increase and confuse litigation and acquit the most guilty criminals until litigation in America requires more judges and money to carry it on than in any other country in the world; and there are more murders and fewer convictions for murder in proportion to population than anywhere else in civilization.

It is remarkable that although Webster's youth came within the full influence of this degenerating craze,

he nevertheless, of his own accord, worked himself out of it into the truer method. It was a hard struggle, he had frequent lapses; progress was slow; and it was years before he trained himself to the style of his best speeches. But he was always progressing; and the last great speech of his life was the farthest removed from the old method. The difference between him and others was that they remained stolidly in the old influence all their lives, while he was always moving away from it.

He worked as hard to perfect himself in language as Demosthenes, who used to put pebbles in his mouth and try to correct his stuttering by speaking above the roar of the sea. "My style," Webster said, "was not formed without great care and earnest study of the best authors. I labored hard upon it, for I early felt the importance of expression to thought. I have rewritten sentence after sentence, and pondered long upon each alteration. For depend upon it it is with our thoughts as with our persons—their intrinsic value is mostly undervalued, unless outwardly expressed in an attractive garb."

He was an untiring student of the Old Testament, never wearied of its poetry, and it, like Milton, undoubtedly increased the vivid terseness to which his style sometimes attained. "Longinus," he says, "tells us that the most sublime passage to be found in any language is this, in the Bible: 'Let there be light, and there was light:' the greatest effort of power in the tersest and fewest words—the command and the record one exertion of thought. So should we all aim to express things in words." The most casual reading of his speeches shows this constant effort to express everything concretely; to let the words represent things and not abstractions or generalities; the same idea so well laid down in excellent old Archbishop Whateley's Rhetoric, a book which Webster mentions in a letter in

which he discourses in a very interesting way on the best methods of writing.[1]

Webster's mind and memory evidently worked entirely by the picture method. His knowledge was all pictured concretely in actual scenes, usually from nature. One sees this constantly in reading his speeches. He seems to be walking among these scenes and fields of his memory and picking up the information which he describes from its locality. He refers to this himself when he says that he had no difficulty in the Reply to Hayne, because all that he had ever known seemed laid out before him.

His sentences are usually very perfect specimens of construction, as anyone can test for himself, by trying to alter or improve some of the numerous ones quoted in this book. The beginning of one of them, even the shortest, has usually a very distinctive way of leading logically on to the end of itself. They are all close coupled; each thought connects directly with its predecessor; there are no obscure backward references; the meaning is full; and as in all perfectly formed sentences the meaning is not complete until the last word is reached. One of his sentences from the Ashburton diplomatic documents may be given as a fine instance of close-coupled condensation of a famous principle in very few words: "In every regularly documented American merchant vessel, the crew who navigate it will find their protection in the flag that is over them."[2]

His choice of words, the delicate shades of meaning by which he would advance or enlarge a thought, making it clearer at every step to even ordinary minds, was no doubt the result of endless pains, as he himself said; but it was also where his genius lay. No mere talent or industry could attain such skill. He was very fond,

[1] Private Correspondence, vol. i, p. 463.
[2] Works, Edition 1851, vol. v, p. 146.

his secretary says, of buying dictionaries and had an immense collection of them, almost all that were known. It may be that, like some of the English parliamentary orators, he kept reading these dictionaries over and over to increase his vocabulary and train his mind to various distinctions and meanings. Chatham, as we are told by Lord Rosebery, had read through Bailey's dictionary several times.

Webster would apparently in unimportant speeches practice himself in this study of synonyms; and Senator Hoar, in his autobiography, mentions an instance in which he saw him at the process. He would in a rather tiresome way use a great many words to describe one idea, as in giving a reason for the population of Boston he said, "Is it not because we have here a sufficient, ample, safe, secure, convenient, commodious port, harbor, haven?" In an important speech these would have been sorted down to two or three; and in his highly finished speeches three or four synonyms are often used with most telling effect, each one advancing the thought by a delicate shade that captivates the mind. This was difficult and high art. But he had evidently found that nothing was more effective in persuading and convincing.

The structure of his sentences and choice of words, as finally matured, were peculiar to himself, as were also his tones of voice and emphasis. The elocutionists could never fully understand him. He seemed to "load words with fourfold their meaning and power"; and he could give the simplest and humblest word a new forcefulness. There was a dispute as to how he emphasized a very impressive sentence in the White murder trial, "Ah, gentlemen, that was a dreadful mistake;" whether the stress was on dreadful or on mistake. But one who had been at the trial and heard him said that he pronounced both words alike.

All this was Websterian, as we now say; unlike the style of anyone else, and no one can successfully imi-

tate it. His methods are almost equally difficult to describe; although it is easy to pile up exciting adjectives about them. They are best known by examples. One of his most conspicuous qualities was his correct ear; the harmony, the musical beauty, of his sentences, which the reader can test for himself. They are simply inimitable; all the analysis in the world will not enable you to see exactly how he does it. He was skilful in the repetition of an important idea or principle in various forms and with abundance of illustration, so artfully done that his hearer is unconscious of the repetition and is led charmed from illustration to illustration until the idea is driven home and he is convinced. This, like his use of synonyms, has been the method of many famous orators, and Webster found it peculiarly well suited to his subject matter, especially his constitutional arguments. But his illustrations were never far-fetched or curious. They were somewhat lacking, it has been thought, in ingenuity of invention. But they were in good taste; they always seemed to belong to the subject; they conformed to his severe, you might almost say austere, classic taste. His argument usually rested on only a few strong points. In analyzing one of his speeches you are usually surprised to find how few these points are; and then you begin to see how they have been driven home, demonstrated, burnt into the minds of his hearers. This may have been the reason why his notes were always so brief. His own final analysis of one of his long speeches would all be contained in a few hints on a small sheet of paper.

In the latter part of his life, Parton says, he sometimes delivered speeches which were mere empty pompousness and posing, and this, though the testimony of an enemy, is no doubt true. He was called upon to speak a great deal, and delivered an immense number of speeches, in only some of which he could bring his literary ability into effective play. These he tried

to preserve in permanent form and encouraged the others to die. He had the fault, at times, of overworking himself and then, of course, went stale. The mill merely ground on itself. He still had his actor's ability; he could go through the motions; but there was no real character for him to take.

His unusual deliberateness of manner, a natural trait which he had even as a boy, added greatly to the impressiveness of his oratory. But in his old age he carried it to an extreme, and it became a serious fault. Senator Hoar, in his autobiography, and G. W. Julian, in his Political Recollections, both writing of about the year 1850, mention this fault as very pronounced, and his pauses between words as very long, apparently the result of his age and failing health.

It has been usual to assume that his eloquence, though superior to anything of the sort in America, is not to be compared with that of the greatest orators: Demosthenes, Cicero, Burke, and Chatham, or even Erskine, Fox, and Macaulay. Mr. Evarts, in his speech at the unveiling of the Burnham Statue in New York in 1876, accepted this as Webster's position in the world. But others have thought differently, and Webster's eloquence improves with time. Senator Lodge quotes Francis Lieber, a well-known political writer in the period before the Civil War, who compared Webster rather favorably with Demosthenes. "I read," he said, "a portion of my favorite speeches of Demosthenes, and then read, always aloud, parts of Webster; then returned to the Athenian; and Webster stood the test." [3]

It would be interesting if he had told us with which of Webster's speeches he had made the test. One of Webster's strong points was his use of short sentences;

[3] The index of Lieber's "Life and Letters" does not enable one to find this passage which Senator Lodge quotes without reference in his Life of Webster, p. 187.

or, if you choose, he was strongest when he used short sentences; for he varied a good deal in this respect. When he was at his best, most impassioned, those quick, short condensations of emotion come like rifle bullets. This is particularly noticeable in the speech in the White murder trial; and it is probably in that and similar passages that he comes nearest to the classic Greek.

Comparing him with Burke we find the same lofty tone in each, the unmistakable tone of distinction. Few, if any, orators except Chatham have been able to equal them in this; and perhaps Chatham now and then goes beyond them. But in Burke that tone becomes very monotonous and often flags. Burke's speeches are of prodigious length and tediousness; and while the tone may be often kept up with formal correctness, there is little or none of Webster's humor, powerful reasoning, or illustrations from nature to vary it.

Burke is a wonderful phrase maker; but his phrase making is usually scholastic and indoors. Curiously enough, as showing what literary power these illustrations from nature have, the most frequently quoted passage from Burke is one of the very few in which he was able to draw strongly upon nature. He was describing the vigor of the New England colonists and their enterprise in navigation and whale fishing; their adventures among the tumbling mountains of ice and the frozen recesses of Hudson's Bay; and "whilst we are looking for them beneath the Arctic circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes and engaged under the frozen serpent of the south. No sea but what is vexed with their fisheries. No climate that is not witness to their toils; neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise ever carried this most perilous mode of hardy industry to the extent

to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle and not yet hardened into the bone of manhood."

The whole passage is fine; and the passage from Webster one is inclined to pit against it is the close of his famous description of the struggle of the American colonists against the British Empire:

"On this question of principle, while actual suffering was yet afar off, they raised their flag against a power, to which, for purposes of foreign conquest and subjugation, Rome in the height of her glory is not to be compared; a power which has dotted over the surface of the globe with her possessions and military posts, whose morning drum beat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England."

A large part of Burke's fame rests on his philosophical essays, the famous one on the Sublime and Beautiful, his Reflections on the French Revolution, and numerous letters and addresses. In these are many instances of genius in the use of language, of the scholastic kind and of strong literary merit and profound thought, which have become part of the treasure of the world. In this field, Webster, who wrote no philosophical essays, does not compete with him. We are comparing the two men only as orators and parliamentary debaters.

It was a defect in Burke that he let this philosophical essay habit intrude into his speeches and spoiled a large part of both their immediate and permanent effect. From certain well-known passages of "imperial fancy" and commanding eloquence he sinks rapidly to the commonplace. He had very little of that perfect control of his audience that Webster had from the beginning to the end of almost every speech he ever made. Burke was very defective with his audience. "He spoke," his biographer says, "with an Irish accent, with awkward action and in a harsh tone."

"His power over the house did not last; his thoughts were too deep for the greater part of the members, and were rather exhaustive discussions than direct contributions to debate, while the sustained loftiness of his style and a certain lack of sympathy with his audience, marred the effect of his oratory. His temper was naturally hasty and he was deficient in political tact." (Dictionary of National Biography, vol. vii, p. 348.)

In all these points Webster was far his superior. In Burke's interminably long and wearisome speeches in the impeachment of Warren Hastings, in those vast masses of evidence of corruption, bribery, extortion and cruelty in India, he had numerous opportunities to display his powers of sarcasm, but he appears to have used them scarcely as well and not as humorously as Webster used his more limited chances. Burke's briefest famous speech, one that in brevity approaches nearest to Webster's longest, and one that has always been put forward as remarkable, was on the Nabob of Arcot's Debts; and it may be well to compare the opening paragraph of it with the opening of Webster's 7th of March speech in the Senate.

"The times we live in, Mr. Speaker, have been distinguished by extraordinary events. Habituated, as we are, to uncommon combinations of men and of affairs, I believe nobody recollects anything more surprising than the spectacle of this day. The right honorable gentleman, whose conduct is now in question, formerly stood forth in this house, the prosecutor of the worthy baronet who spoke after him. He charged him with several grievous acts of malversation in office; with abuses of a public trust of a great and heinous nature. In less than two years we see the situation of the parties reversed; and a singular revolution puts the worthy baronet in a fair way of returning the prosecution in a recriminatory bill of pains and penalties, grounded on a breach of public trust, relative to the government of the very same part of India. If he should undertake a bill of that kind, he will find no difficulty in conducting it with a degree of skill and vigor fully equal to all that have been exerted against him." (Burke, Works, Bohn Edition of 1860, vol. iii, p. 122.)

"Mr. President: I wish to speak to-day, not as a Massachusetts man, nor as a northern man, but as an American, and

a member of the Senate of the United States. It is fortunate that there is a Senate of the United States; a body not yet moved from its propriety, not lost to a just sense of its own dignity and its own high responsibilities, and a body to which the country looks with confidence, for wise, moderate, patriotic, and healing counsels. It is not to be denied that we live in the midst of strong agitations, and are surrounded by very considerable dangers to our institutions and government. The imprisoned winds are let loose. The East, the North, and the stormy South combine to throw the whole sea into commotion, to toss its billows to the skies and disclose its profoundest depths. I do not affect to regard myself, Mr. President, as holding, or as fit to hold, the helm in this combat with the political elements; but I have a duty to perform, and I mean to perform it with fidelity, not without a sense of existing dangers, but not without hope. I have a part to act, not for my own security or safety, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole, and the preservation of all; and there is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear or shall not appear for many days. I speak to-day for the preservation of the Union. 'Hear me for my cause.'"

This passage from Webster is an instance of a quality which has been aptly called "stately pathos." Few orators have excelled him in it, and it was a quality which he and Chatham had in common.

Erskine's fame rests on a few speeches he made as a barrister in some libel and treason cases, and in his unsuccessful defense of Thomas Paine. Good orations they are, in pure taste, to the point and with no strained ornamentation; but they lack the imagination, the wide range of thought, the broad appeals, and the reasoning power of Webster. Erskine "never succeeded in the House of Commons or caught its tone." In fact, he is described as breaking down in a speech in Parliament, unable to go on, and for years after seldom speaking.[4]

With Lord Chatham, the great commoner, the

[4] Dictionary of Nat. Biography, vol. xvii, p. 438.

statesman and Parliamentary leader, who conducted the war that wrested Canada from France, and laid the foundations of the modern British empire, the comparison is quite different. The most eminent figure in English politics in the eighteenth century, he has been described as "the first Englishman of his time and he had made England the first country of the world." He has usually been ranked with the greatest orators of all times. He was all orator. Tall, imposing; in grace and dignity of gesture not inferior to Garrick; his voice full and clear; "his lowest whisper was distinctly heard; his middle tones were sweet, rich and beautifully varied; when he elevated his voice to its highest pitch, the house was completely filled with the volume of the sound." Friends and foes alike listened in breathless silence to him. No one could say that he failed to hold the attention of his hearers. Indeed, according to all accounts we have of him, he was such a complete orator that one is almost inclined to question whether Burke can be called an orator at all. He may have been merely a man of literary genius who made speeches in Parliament.

The few of Chatham's speeches that have been preserved are not long, and are much superior to Burke's in clearness of diction and sustained interest. As Lord Rosebery has recently shown, it is doubtful if we have any of Chatham's speeches that have not been doctored and rewritten for him. There was no reporting in his early, and very inferior reporting in his later days. But assuming that those we have are reasonably like the originals, it must be confessed that they are models of literary form and beautiful English; and the remarkable part about them is, that their merits are so evenly maintained throughout every part of what he says. His continuous vivid clearness and continuous elevation above the commonplace would be very difficult to equal. Take, for example, one of his ordinary, seldom quoted passages:

"A great deal has been said without doors of the power, of the strength, of America. It is a topic that ought to be cautiously meddled with. In a good cause, on a sound bottom, the force of this country can crush America to atoms. I know the valor of your troops. I know the skill of your officers. There is not a company of foot that has served in America out of which you may not pick a man of sufficient knowledge and experience to make a governor of a colony there. But on this ground, on the stamp act, which so many here will think a crying injustice, I am one who will lift up my hands against it. In such a cause your success would be hazardous. America, if she fell, would fall like a strong man; she would embrace the pillars of the State and pull down the Constitution along with her." (Speech on the Right to Tax America, Jan. 16, 1776.)

That passage shows the aptitude of language he could usually maintain. Then there is the passage so well known in this country: "But, my lords, who is the man that, in addition to these disgraces and mischiefs of our army, has dared to authorize and associate to our arms the tomahawk and scalping-knife of the savage? To call into civilized alliance the wild and inhuman savage of the woods; to delegate to the merciless Indian the defense of disputed rights, and to wage the horrors of his barbarous war against our brethren?"

Those passages the reader can compare with the passages quoted from Webster, and decide for himself the ability of the two men as masters of the sentences. The first few pages of Webster's speech in the White murder trial, the description of the murder and the consciousness of guilt that haunted the assassin have probably never been surpassed, and raise Webster far above both Erskine and Fox. Schoolboys used to recite them, and possibly still recite them. Too long to quote in full, a short quotation to recall them to mind may be made immediately following the part where Webster described the assassin as believing that his secret was safe:

"Ah, gentlemen, that was a dreadful mistake. Such a secret can be safe nowhere. The whole creation of God

has neither nook nor corner where the guilty can bestow it, and say it is safe. Not to speak of that eye which pierces through all disguises, and beholds everything as in the splendor of noon, such secrets of guilt are never safe from detection, even by men. True it is, generally speaking, that 'murder will out.' True it is that Providence hath so ordained, and doth so govern things, that those who break the great law of heaven by shedding man's blood seldom succeed in avoiding discovery. Especially in a case exciting so much attention as this, discovery must come, and will come, sooner or later. A thousand eyes turn at once to explore every man, every thing, every circumstance connected with the time and place; a thousand ears catch every whisper; a thousand excited minds intensely dwell on the scene, shedding all their light, and ready to kindle the slightest circumstance into a blaze of discovery. Meantime the guilty soul cannot keep its own secret. It is false to itself; or rather it feels an irresistible impulse of conscience to be true to itself. It labors under its guilty possession and knows not what to do with it. The human heart was not made for the residence of such an inhabitant. It finds itself preyed on by a torment which it dares not acknowledge to God or man. A vulture is devouring it, and it can ask no sympathy or assistance either from heaven or earth."

In vividness and immortal interest Webster can often equal Chatham at his best. In continuous maintenance of such a style Chatham may be superior. But if Chatham had dealt with all the dry topics Webster handled, and all his speeches had been preserved as delivered, the difference between the two men in this respect might be less marked. Which of them excelled in voice and manner would now be impossible to determine. Webster made few gestures; but, if we can believe his contemporaries, his voice and appearance, his enunciation of words, his transfusion of his own character, emotion, and intellect into his tones and manner always charmed and fascinated and carried away his hearers. William Plumer, in his reminiscences, describes the effect of Webster's manner even in the delivery of a few ordinary after-dinner remarks, which contained nothing of importance. Five minutes after the other speakers had resumed their seats, he said, no

one remembered what they had said; while every word of Webster's had burnt itself into the hearer's memory.

The descriptions of the crowds, composed often largely of ladies, who would go to hear Webster deliver a dry legal argument merely for the sake of his fascinating voice and the tremendous impression of power in his manner, and Ticknor's descriptions of the effect of his Plymouth and other orations are somewhat similar to the descriptions of Chatham's eloquence, which those who heard it said was the "strength of thunder and the splendor of lightning," that "his eye and countenance alone would have conveyed his feelings to the deaf." Like Webster, his eyes were, it seems, his most remarkable and striking feature.[5]

In one respect Webster certainly excelled. Of Chatham it is said that "little sustained or close argument figured in his speeches." He appealed more to strong passions and drew his strength from the loftiness of his position.[6] But the most striking quality of Webster was his close reasoning. He dealt with subjects that required it. As a reasoner, as an orator who could make closely reasoned constitutional law so eloquent and give it such literary power that it was transformed from logic into sentiment which has bound a nation together and for which men laid down their lives, Webster would seem to stand above both Chatham and Burke. No one else has ever by such reasoned eloquence, such reasoning literary power, opened so wide the minds of both judges, statesmen and people. It was a domain all his own; and a domain that could be conquered only by an extraordinary combination of intellect and emotion.

Webster developed rather slowly, but he kept on developing all his life, which seems to indicate the forcefulness of his origin. He was not in his prime until

[5] Rosebery, Life of Chatham, pp. 448–458.
[6] Dictionary of National Biography, vol. xlv, p. 365.

he was nearly fifty years old, when he delivered the famous reply to Hayne; and his 7th of March speech, so vastly unpopular among the free-soilers, but, as a mere speech, one of the best of his life, was delivered when he was sixty-eight.

His brothers and sisters had none of his marvellous power. He stood alone among them. In the animal kingdom naturalists used to give to such sudden development in a species the name sport, and in modern times the Darwinians call it a mutation. It is impossible to account for such appearances, as it is impossible to account for Webster's contemporary genius, Napoleon, the most extraordinary mutation in human intellect and physical endurance that has ever been known. Perhaps the cross of the blonde, slender Webster type of outdoor farming people with the dark complexioned, heavily built, indoors, intellectual, learned Bachilder strain, was a lucky out-cross—what the animal breeders call a "nick." Such a combination of opposites will sometimes give us a hunting dog or a horse "unmatched for courage, breath and speed," as Sir Walter Scott would say. But even this profound explanation is merely another way of saying, I do not know.

III

EARLY PROFESSIONAL DAYS AND RELATIONS WITH JUDGE STORY

GRADUATING from Dartmouth in August, 1801, Webster began the study of the law in the office of Thomas W. Thompson, "next door," he says, "to my father's house." It was the adjoining farm really, the houses being placed in New England fashion, as near together as possible, along the road. Thompson was a friend of Webster's father, a comparatively young lawyer, but with a good country practice of small cases. He was also postmaster, receiving from the office eight or ten dollars a year; and he afterwards became one of the trustees of Dartmouth College, and a Senator at Washington from 1814 to 1817.[1]

Webster was not at this time strongly drawn to the law as a profession, but "precipitated himself into it," as he says, at his father's advice and request. His studies began, as was not uncommon at that time and for long afterwards, with the reading of books on international law, particularly the old author, Vattel on the Law of Nations. International law is not law at all, in the lawyer's sense, because it cannot be brought to the test of a decision by a court or an execution by the sheriff. But it was considered an excellent introductory and broadening reading for a law student, giving him general conceptions of law and moral obligation as well as valuable historical information. Webster read Robertson's Charles V for the sake of its account of feudalism and the old legal ideas of Europe; and then he took up Blackstone's commentaries, the real technicality of the old English common law, written in the

[1] Dearborn, History of Salisbury, p. 156.

HOUSE IN WHICH WEBSTER LIVED AT DARTMOUTH,
NORTH MAIN STREET

HOUSE IN WHICH WEBSTER LIVED AT DARTMOUTH,
SOUTH MAIN STREET

richest, most comprehensive and even noblest style in which dry law was ever expressed, a style that always seems to smack of the bottle of port wine the old judge is said to have had beside him every evening when he wrote.[2]

Webster in maturer years loved to re-read Blackstone. But the famous old Coke on Littleton, at which he was put in Thompson's office, disgusted him and almost drove him to despair of ever becoming a lawyer. He could hardly understand a quarter of its abstract and subtle doctrines, and ever afterwards condemned its use for students as perfect folly. "Why disgust and discourage a boy," he says, "by telling him that he must break into his profession through such a wall as that?" He abandoned Coke and read instead Espinasse's Law of Nisi Prius, which he found quite intelligible; and from that he passed on to the practical work of writs and processes.

"I have made some few writs, and am now about to bring an action of trespass for breaking a violin. The owner of the violin was at a husking where

'His jarring concord and discord dulcet'

made the girls skip over the husks as nimbly as Virgil's Camilla over the tops of the corn, till an old surly creature caught his fiddle and broke it against the wall. For the sake of having *plump witnesses*, the plaintiff will summon all the girls to attend the trial at Concord." (Private Correspondence, vol. i, p. 96.)

He had not yet reached the grave responsibilities. He had a dog named Leo, with which between writs that autumn he hunted ruffed grouse (partridges, he called them) and squirrels. He shot the wild pigeons that were so numerous in those times; fished in the Merrimac; and had three or four sweethearts, no doubt, although he does not expressly say so. His letters, however, are full of comments on the subject, teasing

[2] Correspondence, vol. ii, pp. 100, 14; Curtis, Life of Webster, vol. i, p. 48.

his friends about their flames, and protesting that he himself had retired from all that sort of thing.

These letters of his early law days, most of them to his former classmates, with some from them, have very fortunately been preserved and give a pleasing picture. They are written by young men who graduated four years sooner than boys do now, and who were still under the remaining influences of the old Colonial period. They give us glimpses, and valuable ones, of the New Hampshire and New England life of those days.

Webster's own letters are those of a well-educated, happy-natured young fellow, whose narrow means were no bar to his fun. He seems to have got about the country a great deal, visiting and skylarking with those of his own age.

"It is not long since I was at Concord, we had fine times, singing, dancing and skipping. There were a thousand inquiries about you. Really, Weld, you must not let the girls break their hearts for you. I asked Miss —— if she wanted to see Mr. Fuller very much. She said that—that—that—that the Lord knows what she did say." (Private Correspondence, vol. i, p. 126.)

Like a true New England boy, he revisited his college. He was always inclined to drift back. He wandered over among the people along the Connecticut River and was delighted with their manners and ideas. Old English expressions, like lackaday, frequently occur in his letters. He often wrote verses on more or less humorous events among his friends. One whole letter is in verse in Pope's style. On another occasion one of the girls, they were forever talking about, cut her foot on some sharp tool, and Webster's muse, as he says, immediately "broke out like an Irish rebellion."

"Rust seize the axe, the hoe or spade,
Which in your foot this gash has made!
Which cut thro' kid and silk and skin,
To spill the blood that was within;
By which you're forced to creep and crawl,
Nor frisk and frolic at the ball!

"But Clara, Clara! were thy heart
As tender as thy pedal part;
From thy sweet lips did love but flow,
Swift as blood gushes from thy toe,
So many beaus would not complain
That all their bows and vows are vain!"
(Private Correspondence, vol. i, p. 153.)

He was living the right sort of life for his age. The collection of his letters in two volumes, beginning with his boyish effusions and going on down through his serious tasks of law, politics, and diplomacy, is in many respects the best biography of him that will ever be written. As we read along we find the boyishness slowly changing; and in 1806 or 1807, when he was about twenty-four, striking sentences of the true Websterian ring begin to appear. In the early letters one is inclined to skip or read quickly a good deal of the prattle; but as he matures it becomes impossible to skip. Every sentence is dwelt upon; and the conviction is forced upon one that these letters are really unusual instances of capacity in the use of language and that their literary value has never been fully recognized.

Webster, although himself a part of the famous literary upheaval in New England, was never taken into what became known as the Mutual Admiration Society. He was older than most of them; had started in other companionship; and at the time they began to flourish he had mortally offended them by his willingness to compromise with the slave power in order to save the Union. So his productions were never "insured in the Mutual." The Mutual never felt in duty bound to enlarge, amplify and insist on his most trifling merits.[3]

Happy and genial though he was in his student days, he had nearly been prevented from studying law by the difficulty his father found in keeping Ezekiel at college. Some money, however, was borrowed from

[3] In a reading room in Boston, on the margin of a review by Lowell of something Longfellow had written, or *vice versa*, some one of the unregenerate wrote "Insured in the Mutual."

Governor Gilman, a stanch Federalist in politics, and this tided over the difficulty. In three or four months the difficulty arose again, and Daniel gave up his law studies and in January secured a position as the teacher of a small academy in the village of Fryeburg. It was a new wilderness settlement in the same foothills of the White Mountains, but to the eastward and just across the border of New Hampshire in what is now Maine, and was then part of Massachusetts. Buying a horse for twenty-five dollars, and with books and clothes in the saddle bags, he started to earn the first money of his life, a salary of three hundred and fifty dollars a year; but half of it, it seems, or six months' service would be enough to help Ezekiel. He boarded with the recorder of deeds of the new county, who employed him in the evenings transcribing deeds at the rate of one shilling six pence.

"Of a long winter's evening," he says, "I could copy two deeds; and that was half a dollar. Four evenings in a week earned two dollars; and two dollars in a week paid my board. This appeared to me to be a very thriving condition, for my three hundred and fifteen dollars' salary as schoolmaster was thus going on without abatement or deduction for *vivers*." (Autobiography.)

Through the worst winter months he worked and in spring came what he considered the reward.

"In May of this year (1802), having a week's vacation, I took my quarter's salary, mounted a horse, went straight over all the hills to Hanover, and had the pleasure of putting these, the first earnings of my life, into my brother's hands for his college expenses. Having enjoyed this sincere and high pleasure, I hied me back again to my school and my copying of deeds." (Autobiography.)

He had no complaints to make or boasting about the sacrifice, so we shall make none for him. It is interesting to note, however, that on this visit to Hanover he met for the first time George Ticknor, then about to enter Dartmouth, and afterwards Webster's close friend and literary executor. In his "Recollections" Ticknor

makes the important statement that Webster at this time "was thin, and had not the appearance of being a strong man."

He was then past twenty; but the childhood delicacy was evidently not yet outgrown, which was another evidence of the slowness of his growth towards the remarkable vigor he finally attained. Another contemporary describes him at this time as without the striking expression of his later years. "His cheeks were thin, and his cheekbones high. There was nothing specially noticeable about him then, except his full, steady, large, and searching eyes." He afterwards described himself at that time as "long, slender, pale and all eyes; indeed, I went by the name of *all eyes* the country round." There were not a few who thought him inclined to consumption.[4]

He had been out of college only about a year when Ticknor describes his visit of two or three days in his old haunts and with old friends still in college. They received him with the welcome only boys can bestow; and every college man knows the delight, the eagerness and the jokes of these reunions. No one probably enjoyed them more than Webster. He was always to the end of his life a thorough college man. He kept up his Latin, regretted that he had not learned more Greek, and continued the habit of mental cultivation. He never forgot the delights of American college life, its ideals, and enthusiasms; its half seclusion from the world; its exclusiveness, or, if you please, its aristocratic tinge; he believed in it and lived it all.

Out of school hours he was not, it seems, the solemn personage some teachers are supposed to be.

FRYEBURG, March 3, 1802.

MY FRIEND.—This is one of those happy mornings when "spring looks from the lucid chambers of the south." Though we have snow in abundance, yet the air is charmingly serene,

[4] Lanman, Private Life of Webster, pp. 31, 89.

and Pequawket puts on more pleasantness than I have before seen it clad in. If I had an engagement of love, I should certainly arrange my thoughts of this morning for a romantic epistle. How fine it would be to point out a resemblance between the clear lustre of the sun and a pair of bright eyes! The snow, too, instead of embarrassing, would much assist me. What fitter emblem of virgin purity? A pair of pigeons that enjoy the morning on the ridge of the barn might be easily transformed into turtle-doves breathing reciprocal vows. How shall I resist this temptation to be a little romantic and poetical? "Loves" and "doves" this moment chime in my fancy in spite of me. "Sparkling eyes" and "mournful sighs," "constancy of soul," "like needle to the pole," and a whole retinue of poetic and languishing expressions are now ready to pour from my pen. What a pity that all this inspiration should be lost for want of an object! But so it is. Nobody will hear my pretty ditties, unless, forsooth, I should turn gravely about and declaim them to the maid who is setting the table for breakfast; but what an indelicate idea! a maid to be the subject of a ballad? 'twere blasphemy. Apollo would never forgive me. Well, then, I will turn about, and drink down all my poetry with my coffee. "Yes, ma'am, I will come to breakfast." (Works, National Edition, vol. xvi, p. 4.)

At Fryeburg he had found a circulating library and when not teaching he read, as he tells us, Adams's "Defence of the American Constitutions," Mosheim's "Ecclesiastical History," Goldsmith's "History of England," Blackstone's "Commentaries," and Ames's celebrated speech on the British Treaty. The last he committed to memory, as was his constant practice, with any eloquence or poetry that struck his fancy. He read also at this time, as his friend McGaw tells us, the "Spectator," the "Tatler," and all of Pope's poetical works. This was a good deal of the literature of that day. Our modern literature had not then quite begun. Sir Walter Scott was on the eve of fame. His Lay of the Last Minstrel appeared in 1805, and in 1814, when looking for some fishing tackle, he found his almost forgotten manuscript of Waverley and published it.

One more quotation from Webster's letters to show

the times and his life. He had gone away from Fryeburg for a few days to see his brother sick at college, also to see a young man who was dying and engaged to be married to his eldest sister, and he was returning on horseback.

"I accidentally fell in with one of my scholars, on his return to the academy. He was mounted on the ugliest horse I ever saw or heard of, except Sancho Panza's pacer. As I had two horses with me I proposed to him to ride one of them, and tie his bag fast to his Bucephalus; he did accordingly, and turned him forward, where her odd appearance, indescribable gait, and frequent stumblings afforded us constant amusement. At length we approached the Saco River, a very wide, deep and rapid stream, when this satire on the animal creation, as if to revenge herself on us for our sarcasms, plunged into the river, then very high by the freshet, and was wafted down the current like a bag of oats! I could scarcely sit on my horse for laughter. I am apt to laugh at the vexations of my friends. The fellow, who was of my own age, and my room-mate, half checked the current by oaths as big as lobsters, and the old Rosinante, who was all the while much at her ease, floated up among the willows far below on the opposite shore." (Correspondence, vol. i, p. 109.)

He was offered an increased salary as teacher at Fryeburg, five or six hundred dollars a year, a house to live in, a piece of land to cultivate, and the probability of the clerkship of the Court of Common Pleas. It was a large and tempting offer, under all the circumstances. But he refused it principally because his father and friends wished him to stick to the law. So he returned to Mr. Thompson's office in September, where he remained until February or March, 1804; and he has described for us his life.

"I do not know whether I read much, during this year and a half, beside law books, with two exceptions. I read Hume, though not for the first time; but my principal occupation with books, when not law books, was with the Latin Classics. I brought from college a very scanty inheritance of Latin. I now tried to add to it. I made myself familiar with most of Tully's orations, committed to memory large passages of some of them, read Sallust, and Cæsar and Horace. Some

of Horace's odes I translated into poor English rhymes; they were printed; I have never seen them since. My brother was a far better Latin scholar than myself, and in one of his vacations we read Juvenal together. But I never mastered his style so as to read him with ease and pleasure. At this period of my life I passed a great deal of time alone. My amusements were fishing, and shooting, and riding; and all these were without a companion. I loved this occasional solitude then, and have loved it ever since, and love it still. I like to contemplate nature, and to hold communion, unbroken by the presence of human beings, with "this universal frame, thus wondrous fair;" I like solitude also as favorable to thoughts less lofty. I like to let the thoughts go free, and indulge in their excursions. And when thinking is to be done, one must, of course, be alone. No man knows himself who does not thus, sometimes, keep his own company. At a subsequent period of life, I have found that my lonely journeys, when following the court on its circuits, have afforded many an edifying day." (Autobiography, Correspondence, vol. i, p. 15.)

Some of the great speeches of his life, he relates, were worked out on solitary journeys or during amusements. The argument in the Dartmouth College case was mainly arranged, he says, on a journey from Boston to Barnstable and back, and the oration at Bunker Hill was in great part composed while trout fishing in Mashpee Brook, near Cape Cod.

In the spring of 1804, the family resources ran so low again that it became necessary for either his brother or himself to undertake something that would bring in a little money. They found in Boston a college friend, Dr. Perkins, afterwards a physician of some distinction, who was just about giving up the teaching of a school in Short Street. Ezekiel took the school and got on so well that he invited Daniel to come and live with him and study law in Boston. He accordingly went to Boston and tried to secure a place in some lawyer's office; but being without friends or letters of introduction, he received rebuffs from some of the legal luminaries which were afterwards amusing recollections for him.

Christopher Gore, whose fortune, after his death,

built Gore Hall at Harvard College, was a prominent lawyer, an aristocratic Boston Federalist with a coach and four, and afterwards Governor of Massachusetts and a Senator at Washington. He had just returned from England, where he had been for eight years as one of the commissioners under the Jay treaty to settle claims for damages by British cruisers during the French Revolution. Hearing that he was to renew his practice and wanted a clerk, Daniel accompanied by a friend went to call on him. The friend was also unknown to Mr. Gore, but went through the form of introducing Daniel, who made a set speech of apology for the intrusion, said he was from the country, had friends in New Hampshire from whom he would obtain letters if meanwhile Mr. Gore would be gracious enough to hold open for him the clerkship.

Gore, an accomplished man of the world, was evidently amused and interested by the whole performance. He spoke kindly, made many inquiries, and after a conversation of about a quarter of an hour, as Webster rose to depart, he said:

"My young friend, you look as though you might be trusted. You say you came to study, and not to waste time. I will take you at your word. You may as well hang up your hat, at once; go into the other room; take your book and sit down to reading it, and write at your convenience to New Hampshire for your letters." (Autobiography, Correspondence, vol. i, p. 18.)

This was a great piece of educational fortune. It brought Webster at once into the highest circle of law and politics in New England. He became familiar with the best methods, saw distinguished men, the leaders of the bar: Chief Justice Parsons, Dexter, Otis, and Sullivan; and to this source Senator Lodge traces "that strong taste for everything dignified and refined which was so marked a trait of his disposition and habits." It no doubt increased that trait; but the cause of it, as already intimated, was in his original home surround-

ings, which were Federalist and refined with a great respect for education and learning. The old Federalists were all great swells or the admirers of swells; and for some years, even up to the time he first went to Congress, Webster is said to have assumed at times a very Federalist and uplifted tone which the Democrats sometimes called arrogance.[5]

He remained in this office nearly a year; and in his duty of teaching in the Short Street School on an occasion of his brother's absence, had for a pupil Edward Everett, who in time became a distinguished orator of the artificial, rhetorical type. The pupil also became Webster's life-long friend and admirer, the editor of the edition of his works in 1851, and after his death his eulogist.

In November of the year 1804 he appears to have made a trip to Albany with some gentleman who needed his services, paid the expenses, and gave him in addition what he calls "one hundred and twenty dear delightfuls, all my own, yes, every dog of 'em. I was so proud to have a dollar of my own I was determined to tell you of it." About a year afterwards his father wrote him that he had secured for him the clerkship of the county court in New Hampshire at a salary of $1500, which seemed a great sum. It would support the whole family. The father was evidently delighted with the prize and was also gratified by the unanimity with which all the other judges had assented to the appointment. The appointment indeed was one which the family had been hoping for ever since the Revolution.

Daniel was becoming enamored of his profession. He hated the clerkship and all clerkships. But the fifteen hundred a year seemed the highest point of terrestrial bliss. He showed the letter to Mr. Gore and was quite taken aback when his preceptor advised him

[5] Works, National Edition, vol. xvii, p. 547.

MINIATURE OF WEBSTER AT THE AGE OF ABOUT TWENTY-TWO TO TWENTY-SIX

to decline this enormous salary and honor. He would soon be a lawyer, Mr. Gore said; he would be able to make his way as well as others; the office of clerk was precarious; it depended on the will of others; other times and other men might arise and the office be given to some one else.

"And in the second place, if permanent it was a stationary place; that a clerk once I was probably nothing better than a clerk, ever; and in short, that he had taken me for one who was not to sit with his pen behind his ear. 'Go on,' said he, 'and finish your studies; you are poor enough, but there are greater evils than poverty; live on no man's favor; what bread you do eat, let it be the bread of independence; pursue your profession, make yourself useful to your friends, and a little formidable to your enemies, and you have nothing to fear.'" (Autobiography, Correspondence, vol. i, p. 21.)

Convinced at last by this advice, though not without great reluctance at the abandonment of such riches, Daniel had now the unpleasant task of breaking the news of this decision to his father, on whom he feared it would fall like a thunderbolt.

"It was now mid-winter; I looked round for a sleigh (stage coaches, then, no more ran into the centre of New Hampshire than they ran to Baffin's Bay), and finding one that had come down to the market, I took passage therein, and in two or three days was set down at my father's door. I was afraid my own resolution would give way and that after all I should sit down to the clerk's table. But I fortified myself as well as I could. I put on, I remember, an air of confidence, success, and gaiety. It was evening, my father was sitting before his fire, and received me with manifest joy. He looked feebler than I had ever seen him, but his countenance lighted up on seeing his clerk stand before him, in good health and better spirits."

The father enlarged on the value of the appointment, how spontaneously it had been made, how kindly the Chief Justice had proposed it; and then Daniel, nerving himself, made his compliments to the judges. If he was to spend his life recording anybody's judg-

ments he should be proud to record theirs; but he really thought he could, in the end, do better than fifteen hundred a year; he meant to use his tongue in court, not his pen; to be an actor, not a register of other men's actions; and that he hoped to astonish his own father in his own court by his professional attainments.

"For a moment I thought he was angry. He rocked his chair slightly; a flash went over an eye, softened by age, but still as black as jet; but it was gone, and I thought I saw that parental partiality was, after all, a little gratified at this apparent devotion to an honorable profession, and this seeming confidence of success in it. 'Well, my son, your mother has always said you would come to something or nothing, she was not sure which; and I think you are now about settling that doubt for her.' This he said, and never a word spoke more to me on the subject. I stayed at home a week, promised to come to him again as soon as I was admitted, and returned to Boston."

So he abandoned the temptation of present riches; and it was many years before his fees were more than fifteen hundred a year. He was admitted to the Boston Bar in March, 1805; returned to New Hampshire, and opened an office in the village of Boscawen, near his father's farm, where for two and a half years he practiced law sufficiently to support himself and help the family. He studied much, read history and literature, and wrote articles and reviews for the *Boston Anthology*, a famous New England magazine in its day and the forerunner of the *North American Review*.

Meantime, his father died, and there being nothing now to keep him at home Daniel turned over his law practice and the care of his mother and sisters to Ezekiel, and carried out his original intention of going to live in Portsmouth, the principal trading town and commercial centre of the State. A few dollars could be made at Boscawen, but there was "no pleasure of a social sort," he says, and that was always an important thing for him. At Portsmouth there was some chance for a

lawyer to make more than six or seven hundred dollars a year, which was all he had been able to get out of country practice at Boscawen. He, however, continued to help support his mother and sisters, and pay off the father's debts, which he had assumed. He was ambitious for the larger and more learned legal field; and in an enthusiastic youthful letter he had denounced what he called "the low resources of attorneyism" and "the mean, money catching practices" of country business where, he says, "we cannot study because we must pettifog."[6]

It was September, 1807, that he went to live in Portsmouth, and he remained there almost nine years, "very happy years," he says. Portsmouth was an old seaport with history, tradition, and families going far back into colonial times. The principal Congregational church of the town was in charge of the Rev. Dr. Buckminster, father of the brilliant young man who, as usher at Exeter, had tried to lead Webster out of his bashfulness in public speaking. Young Buckminster was now in charge of a church in Boston, and was one of the founders of the Boston Anthology for which Webster wrote articles. On Webster's first appearance in the church in Portsmouth, soon after his arrival, the daughters of Dr. Buckminster were much impressed by his appearance. One of them immediately reported that she was sure "he had a most marked character for good or evil." Another described him as "slender and apparently of delicate organization; his large eyes and massive brow seemed very predominant above the other features, which were sharply cut, refined and delicate. The paleness of his complexion was heightened by hair as black as a raven's wing."

He was twenty-five, but evidently had not yet gained his full vigor, and was out of proportion; not filled out

[6] Correspondence, vol. i, p. 222.

to the harmony of later years. But that brow and the black eyes and hair, then as always, riveted everyone's attention. He was even then an actor in every fibre of his being. The wonderful effect of his maturest speeches of later life was heightened by every motion of his frame, and every glance of his countenance speaking with the words. It was instinctive with him, a gift, an idiosyncrasy of muscles and nerves; and it slowly increased in effectiveness with years. Mrs. Buckminster Lee when a girl saw its first manifestations and she described also the humor, the droll sarcasm which he afterwards used as such an effective weapon in debate.

"We soon saw enough of him to appreciate in some degree, young as we were, his extraordinary genius, and the noble qualities of his character. The genial and exceedingly rich humor that he so often exhibited was, perhaps, at this time more prized by us than any other of the diversified talents we admired in him. He soon formed a circle around him, of which he was the life and soul. We young people saw him only rarely, in friendly visits. I well remember one afternoon that he came in, when the elders of the family were absent. He sat down by the window, and, as now and then an inhabitant of the small town passed through the street, his fancy was caught by their appearance and his imagination excited, and he improvised the most humorous imaginary histories about them, which would have furnished a rich treasure for Dickens, could he have been the delighted listener, instead of the young girl for whose amusement this wealth of invention was expended. Hon. Mr. Mason, of Portsmouth, who delighted in the humor so often displayed by Mr. Webster, used to say, that 'There was never such an actor lost to the stage as he would have made had he chosen to turn his talents in that direction.'" (Correspondence, vol. i, p. 439.)

It was a fine life for a young fellow of his talents to have dropped into this intelligent and agreeable set in a New England seaport, with ships and commerce enough to give a picturesque touch of the great world beyond the waters. On a smaller scale it must have been something like the old life in Salem which had

Courtesy of the S. S. McClure Company

MRS. GRACE FLETCHER WEBSTER

such a curious and fascinating connection with India and the East. Webster may have acquired at this time his love of the salt air and the sea, and added a new domain of thought and romantic imagery to his expanding mind. The sea air may also have had another effect; for we read that he soon grew stouter and his delicacy of health disappeared.

He had frolicked in the town as a bachelor less than a year, when he disappeared, on a mere visit as was supposed to his old home, and returned married to Miss Grace Fletcher, daughter of the minister of the church at Hopkinton. She seems to have been one of those typical New England women of good education and bright mind, possibly of frail physique, but full of energy and interested in things of the mind.[1] She became a most congenial companion for her husband. The singular success and applause which he afterwards attained, never disturbed, it is said, the balance of her mind. Even when she went with him to Washington and witnessed some of the gayeties of the capital, her frank and winning manner remained untouched by any social sordidness. In Portsmouth she increased the circle of her husband's admirers and gave him a delightful home, one of the wooden houses of New England, where the low-ceilinged simple parlor is described as a most attractive room when presided over by this pair who had a very happy faculty for entertaining their friends. Indeed the reminiscences of this period of his life are nearly all of his gayety and humor rather than of the stateliness and dignity of his later years.

Although the defeats and victories in a lawyer's career are apt to be about equal in number, it has become a biographical custom to enlarge on the victories and ignore the defeats. It may be well, therefore, to mention that Webster defended at Plymouth one Burnham, tried for murder. Wonderful to relate, he failed

[1] Harvey, Reminiscences of Webster, p. 319.

to acquit him, and Burnham was duly hung on Powder House Hill in the presence of ten thousand spectators and with a Scotch Presbyterian minister preaching an hour's sermon at him.[8]

Some of the leaders of the Boston Bar—Joseph Story, Samuel Dexter, and Parsons—practised in southern New Hampshire, and Webster had a chance to meet them and learn their methods. Some of the New Hampshire lawyers—Jeremiah Smith, William Plumer (a Democratic Governor of the State), George Sullivan, Ichabod Bartlett and Jeremiah Mason—have left a good reputation behind them for learning and intellect. Judge Story, who was certainly capable of estimating them, ranked them very high; and they, no doubt, helped to train Webster.[9]

His law office in Portsmouth was a common, ordinary looking room, it is said, "with less furniture and more books than common;" and his lawyer's life during those nine years is conspicuous principally for his association with one man, Jeremiah Mason, fourteen years his senior. Mason was a huge man of six feet seven, massive in proportion, uncouth and awkward, but of remarkable ability. He was of the best type of trial lawyer and general practitioner, retained in nearly all the cases of importance in southern New Hampshire. In character he was liberal minded and friendly, free from small jealousies, but at times very caustic, contemptuous and profane. "By thy size and thy language," said a Shaker to him one day, "I judge that thou art Jeremiah Mason."

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[8] Mr. Albert S. Batchellor, editor of the New Hampshire State Papers, kindly called my attention to this trial, still remembered among New Hampshire lawyers. Grafton Bar Association, vol. ii, p. 604. Senator Hoar, in his Autobiography, mentions hearing Webster late in life arguing a cause which he lost and which was not a popular one, or one in which he cared to preserve his speech. He appeared before a committee of the Massachusetts legislature on behalf of the remonstrants against filling in the Back Bay district of Boston.

[9] Webster Centennial at Dartmouth, p. 249.

He served four years in the United States Senate and lived to the age of eighty-five, dying only four years before Webster. They were constant friends to the last; and Webster said of him in his autobiography that he had more native resources, a stronger intellect, and a clearer and quicker mental vision than any man in the country, not exceeding Chief Justice Marshall. "If you were to ask me," Webster once said, "who was the greatest lawyer in the country, I should answer John Marshall, but if you took me by the throat and pinned me to the wall and demanded my real opinion, I should be compelled to say it was Jeremiah Mason." [10] But so ephemeral is the fame of a mere advocate that Mason would long ago have been forgotten were it not for his connection with Webster.

Before Webster came to Portsmouth Mason had been opposed to him in a criminal case in which Webster had taken the place of the attorney-general. Two somewhat different accounts of the case have been given; and perhaps the better one is by Mr. Curtis, who says he had it from Mason himself.

"I had heard," said Mr. Mason, "that there was a young lawyer up there, who was reputed to be a wonderfully able fellow; and was said by the country people to be as black as the ace of spades, but I had never seen him. When they told me that he had prepared the evidence for this prosecution, I thought it well to be careful, especially as the trial was to be conducted by the attorney-general. But when the trial came on, the attorney-general was ill, and the prosecutors asked that Webster should be allowed to conduct the case. I assented to this readily, thinking I ought to have an easy time of it; and we were introduced to each other. We went at it, and I soon found that I had no light work on my hands. He examined the witnesses, and shaped his case with so much skill, that I had to exert every faculty I possessed. I got the man off, but it was as hard a day's work as I ever did in my life. There were other transactions behind this one which looked quite as awkward. When the verdict was announced, I went up to the dock, and whispered to the pris-

[10] Webster Centennial at Dartmouth, p. 251.

oner, as the sheriff let him out, to be off for Canada, and never to put himself within the reach of that young Webster again. From that time forth I never lost sight of Mr. Webster, and never had but one opinion of his powers." (Curtis, Life, vol. i, p. 77, note. For other version see Lodge, Life of Webster, pp. 38, 39.)

At the Portsmouth Bar, Webster was soon almost on an equality with Mason, and they were on opposite sides of pretty much every important cause. On one occasion, it is said, the clerk was calling the docket and various counsel entering their names, Mason and Webster answering for plaintiff or defendant in almost every one. At last a case was called and Mason said:

"Webster, what side are you on in this case?"

"I don't know," said Webster, "take your choice."

The frequent contact for nine years with such a keen opponent as Mason re-educated Webster, as he frankly admitted. It compelled him to careful preparation and the utmost alertness and the most rigid logic in court. It changed completely his style of public speaking, and made him a logician instead of a declaimer. He abandoned altogether, he tells us, the florid style of oratory, the vicious system he had learned at college. He became master of those short sentences which are so conspicuous in some of his famous speeches. He sought for that aptness in words and that telling homely brevity for which Mason was so distinguished. He always acknowledged his indebtedness to his instructor and the two men remained old cronies long after Webster left Portsmouth. When Mason was in the Senate they travelled together to Washington, renewing old times, fighting their battles over again, and possibly there were occasions when they met again in court.

"I have been written to go to New Hampshire," writes Webster to him in 1830, "to try a cause against you next August. If it were an easy and plain case on our side, I might be willing to go; but I have some of your pounding in my bones yet, and don't care about any more till that wears out." (Correspondence, vol. i, p. 489.)

In 1812 the old Federalist Governor, Gilman, who had been many times re-elected to the office and was a firm friend of the Webster family, lending the father money, gave another instance of his continuing friendship by appointing Daniel attorney-general of the State. But the council, who were principally of the opposite political party, voted five to three against confirming the appointment.[11]

While he lived in Portsmouth Webster's business was mostly in circuit practice. He attended the Superior Court in most of the counties and became familiar with the lawyers and people of a large part of the State. But his practice at best was not lucrative and never could be forced beyond its narrow limit. "I do not think," he says, "it was ever worth fairly two thousand dollars a year."[12] This was not much better than the court clerkship salary which had been offered him, and he finally resolved to move to Boston, which he did in the summer of 1816. Mason also, some years afterwards, at the age of sixty-four, moved to Boston, and after practicing there for six years had accumulated what he deemed sufficient to retire upon from the more active duties of his profession.

In the life of Judge Story by his son, complaint was made that Webster would not furnish for that work either the letters to him from the Judge or allow his own letters to be printed, showing the advice and assistance the Judge had given him in the Ashburton Treaty and other subjects. It may have been that Webster was merely following a rule he had found necessary to lay down of never giving such permission, even in apparently innocent cases. He had found, he said, that a permission once given was assumed to extend to other and to all occasions; and he preferred to let people do such printing entirely on their own responsibility.[13]

[11] Works, National Edition, vol. xiii, pp. 422, 423.
[12] Autobiography, Correspondence, vol. i, p. 25.
[13] Life of Judge Story, vol. ii, p. 408.

The letters in question, however, and more of the same sort, are now printed in the proceedings of the Massachusetts Historical Society, and also in the National Edition of Webster's works. Most of them ask the Judge quite difficult questions, which would take up a great deal of his time. For example, in the midst of the Knapp murder trial Webster writes to the Judge for the law on principal and accessory. Another letter begins "Help me to make a speech;" and then asks for some very difficult law on the question of our northeast boundary on Canada and the relations of the United States to Great Britain at the close of the Revolution. Another, being short, may be quoted, as showing the intimacy of the two men.

"Will you have the goodness to give me one hour of your valuable time? Let it be devoted to furnishing me with hints and authorities to the following points, viz.:

"That a right to navigate the upper part of a river (say the St. Lawrence) draws after it a right to go to the ocean.

"Whatever you think or find on this matter let me know by Wednesday or Thursday.

"Your troublesome friend, D. WEBSTER."

In the case of two other letters we now have Story's answers in print. One is in the famous case of the American brig *Creole* carrying slaves who mutinied, took the ship to a port in the British West Indies, and were allowed by the British authorities to gain their freedom. Webster, then Secretary of State, seems to have acted upon the law given him by Judge Story in this case, which was a very delicate and impossible one, and nothing much could be done. We also have Webster's letter thanking the Judge and closing with a request for further assistance.

"I am in the midst of things, and have need not only of all my own wits, but of the assistance of friends competent to give efficient aid. You can do more for me than all the rest of the world, because you can give me the lights I most want; and if you furnish them I shall be confident they will be true lights. I shall trouble you greatly the next three months.

For the present I have to ask that you send me a draft of two articles." (Mass. Hist. Soc. Proc., 2nd series, vol. xiv, p. 410.)

The letter continues with requests for more work from the Judge in drawing articles on extradition of criminals and on vessels driven by stress of weather into foreign ports, work which would now presumably be done by lawyers in subordinate positions in the State Department or in the Attorney-General's office. The Judge complied in an elaborate and careful answer. It was the time of the Ashburton Treaty of 1842, the most momentous event in our relations with England after the War of 1812. The Judge considered it the greatest move that had ever been made in the interests of permanent peace. "I will, therefore," he says, "hold myself ready at all times to aid your efforts, whenever you may think I can be of any real use in accomplishing so desirable an end." [14]

These answers must have involved very considerable labor for Judge Story, who in those days was a Justice of the Supreme Court, a Circuit Judge for most of New England, a professor in the Harvard Law School, and writing numerous text-books. He was capable of almost unlimited labor. To understand, apart from his friendship for Webster, why he did these things and was asked to do them, we must remember that at that time the modern digests, text-books and various means of analyzing and indexing the law were almost totally unknown, and that the Government at Washington was so badly equipped and organized that Webster seems to have had no subordinates whom he could trust for such work. Judge Story was engaged in supplying the need of text-books, and he wrote a number of them, used both in England and America, and some of them,

[14] Works, National Edition, vol. xvi, pp. 160, 205, 298. See also a letter from Story showing that Webster consulted him in the debate on the Removal of the Deposits. Life of Story, vol. ii, p. 155.

especially his "Conflict of Laws" and Commentaries on the Constitution, are still of high authority.

In those days there was apt to be in every community some lawyer of the right sort of memory for recollecting nearly all the important and sometimes unimportant cases in the reports. His brethren resorted to him when they wanted precedents for supporting their reasoning, and it seems to have been the custom for him good-naturedly to comply. Since those days the reported cases have grown so numerous that no one man can remember more than an infinitesimal portion of them. Digests and indexes, of an ingenuity that would amaze both Webster and Story, have been invented and text-books which are in effect digests and indexes. Modern brief makers, or, indeed, students at law and head clerks, can now do with astonishing rapidity and with scarcely any great amount of memory the work which Webster and other busy trial lawyers of his time had to ask to have done for them as an act of brotherly kindness.

This statement of the changed conditions seems necessary to correct a misconception of the professional relationship of Story and Webster. There was nothing very wonderful about it at the time, and nothing out of the way. Too much has been made of it by the New England abolitionists and their descendants and successors, who are forever trying to go back in Webster's life and detect the beginning of that horrible depravity and degeneration which finally, as they say, led him down, down to the infamy and abyss of the 7th of March speech in support of Clay's Compromise of 1850.

Judge Story out of his abundant vigor and enthusiasm made a practice of assisting other statesmen and lawyers besides Webster; and his son gives numerous instances of it. Several of the important acts of Congress of that period were drawn by him and others were submitted to him for revision before they were passed. He furnished material for more than one speech, and

his son seems to think that few important measures were debated in Congress without his aid being sought by some one.

There are stories about Webster in his New Hampshire practice resorting for precedents to one Parker Noyes, who had a reputation for holding them like a tank. This and similar tales, like his help from Judge Story, seem to have led to the assertion sometimes made, that Webster was not after all a learned or profound lawyer. Possibly not; for I do not know of any formal or authoritative definition by the profession of the terms learned and profound. If such a definition is ever put forth I doubt very much if it will include the tanks alone. To come within the definition I should suppose a man would have to be a legal reasoner. Chief Justice Marshall was eminently such and was not remarkable for precedents. Story was strong in precedents, but if he had not also been a legal reasoner, I doubt if we should ever have heard much of him. Webster was certainly, by the admission of all his contemporaries, a legal reasoner of very high order, especially in Constitutional law. Without deciding which was the greater, he certainly ranked in this respect among Marshall, Story, and similar men. He could always obtain in some way the precedents that belonged to his argument; and he handled them much better than those who knew nothing but precedents.

Webster is said to have originated what has been called the short biography of most good lawyers, that they lived well, worked hard, and died poor.

"Sitting one day at the bar in Portsmouth with an elderly member of the bar, his friend, who enjoyed with a sufficient indulgence that part of a lawyer's lot which consists in living well, Mr. Webster made an epitaph which would not be unsuitable:

"Natus consumere fruges,
Frugibus consumptis
Hic jacet
R.C.S."

He was always fond of putting his jokes in Latin and continued the practice to the end of his life. Writing in court to General Lyman, he heads the letter:

"Boston, Jan'y 15, 1845, Monday, 12 O'clock.
"In C. Court of United States, Many v. Sizer being on trial and *Tabero dicente in longum* and another snow storm appearing to be on the wing." (Lyman's Memorials, vol. ii, p. 152.)

He closed the letter with a similar postscript:

Half-past two o'clock. Cessat Taber; Choate sequitur, in questione juris, crastino die.

"Taber is learned, sharp and dry;
Choate, full of fancy, soaring high:
Both lawyers of the best report,
True to their clients and the court;
What sorrow doth a Christian feel,
Both should be broken on a wheel."

The point in the last line was that the case was about the infringement of a patent for making water wheels.

IV

WAR OF 1812 AND THE HARTFORD CONVENTION

FAMILIAR with his father's public career and brought up in an atmosphere of New Hampshire politics, it would have been strange if Webster had not been drawn in the same direction. When twenty-two years old on a visit to his father in 1804, there was a hot contest for the Governorship between Governor Gilman and Governor Langdon. Gilman was the Federalist, had lent the father money, was a stanch friend of the family, and Daniel was asked to write a pamphlet on the Gilman side. "I did the deed," he says, "at a single sitting of a winter's day and night," calling it "An Appeal to Old Whigs." It describes the complete immaculateness of the Federalists and the utter depravity of the Democrats in regulation partisan style. It is rather above the average of such productions; but except for a sentence here and there is, of course, far inferior to the Webster standard of later years.

Two years afterwards, in 1806, he delivered a Fourth of July address at Concord which is a decided improvement on the "Appeal to Old Whigs," shows maturer political thought; and in two years more, in 1808, he wrote a little pamphlet called "Considerations on the Embargo Laws," which is still better. The steady advance in power of statement and argument shown in these three attempts is very interesting and characteristic of his development. But he was not yet in politics; and it was not until four years afterwards that he did anything to show that he was of real political value. What he said at Concord and on the embargo was, however, a beginning for him and involves the political situation of the time.

He had been brought up a Federalist, the name given to the more conservative of the two parties that formed after the Revolution, and the adoption of the National Constitution of 1787. It was the party that supported Washington's administration as President; the party of Hamilton and John Adams; the party that inclined to Nationalism and a strong central government as opposed to the extreme State rights of Jefferson and the Republican party, as it was usually called. But Democratic party is a more descriptive name for it.

When these two parties were forming soon after the adoption of our National Constitution, the world suddenly heard of the first scenes of the French Revolution, the most momentous event in European history since the Reformation. It was in fact a terrible and savage outbreak of the main principle of the Reformation, the right of private judgment, applied to political government instead of to religion. Such an application was inevitable. We had made it in our own Revolution, where we insisted upon our right to govern ourselves, to be free from taxation unless represented, to be independent because we were a people naturally separated from Great Britain. Our Revolution was comparatively mild, because we were Anglo-Saxons and because our grievances were slight compared to those of France, where the masses of the people were notoriously held down by a monarchy, an aristocracy and a rigid system which violated every doctrine of the rights of man, the rights of private political judgment, and all the rights of life, liberty and the pursuit of happiness.

The independence which we won, and our conduct in obtaining it, were not generally considered any serious menace to the thrones and aristocracy of Europe. But the atrocities of the French masses when aroused, their slaughtering, cruelty and insanity, their inability to govern themselves or carry out a single one of the doctrines of liberty which they professed, thoroughly alarmed all the rest of Europe and turned many a liberal

into a conservative. For the next twenty-five years the Whig party in England sank into the utmost insignificance, and there has never since been such ascendency of tory principles and extreme toryism. England, Russia, Austria, Prussia, Spain and even Norway and Sweden became more and more animated with the one desire of combining against France either to wipe her off the map, or restore to her by force her old monarchical and aristocratic system. It seemed to the other European nations, or at least to the conservatives and tories among them, that France was threatening civilization and even humanity itself; and that unless she were curbed every monarchy and aristocracy would fall as hers had fallen, and all Europe become a scene of desolation, anarchy and ruin.

The first ten years of the French turmoil, the rule of Danton, Marat, and Robespierre and the Reign of Terror, had passed during Webster's boyhood; and just about the time he went to college at the close of the century, Napoleon began to appear in the tragic drama of Europe, at first as the young officer who detected the key of the strategic situation at Toulon, and drove the English fleet from the harbor, then as the first soldier to understand the situation in Paris and show the government how to sweep the mob from the streets with cannon.

From that moment his advance was sure. The man who knew how to control the mobs was master of everything. Citizen, General, First Consul, Emperor, it made no difference what name you gave him, he was the man for the time, the one supreme mind. In a few months he was in control of everything, carrying his conquests into Germany, Prussia, Austria; driving back the allied nations that were determined to restore monarchy and aristocracy to France, abolish equality and the rights of man, or exterminate the whole French people.

For fifteen years, until the Battle of Waterloo in 1815, Napoleon performed prodigies of law and order,

stable government, public solvency, commercial and industrial prosperity, internal communication of roads and canals that so amazed the rest of the world, that they have hardly yet been able to grasp the facts. He placed his relatives and favorite generals on the thrones of Spain, Holland and Scandinavia. He extended his conquests to the Pyramids of the Nile and to Palestine. He established a republic in northern Italy. He had prepared under his direction the code of laws that is known by his name. He enforced it on the Germanic provinces, where it still remains. It is still the law of France, and of the American State of Louisiana.

His guiding principles were quite simple. The mobs, confusion and murderous doings in France he repressed with artillery and a military organization and skill unequalled up to his time, and perhaps never equalled. France became the safest place in the world. That done, he took up some of the sound ideas of the Revolution, and made them orderly and respectable. He abolished root and branch the aristocratic system, the ancient regime, as it was called, with all its absurdities, tyranny, degeneracy, and profligacy which had controlled everything and caused the Revolution. He made merit the test of every office in the government service, where before the test had been birth and rank. Even in the navy no one could become an officer without a pedigree. But under Napoleon the lowest peasant could become a general or secretary of state if he showed capacity for a general's or a statesman's work.

Napoleon's armies which conquered all Continental Europe were organized on this basis, and their enthusiasm, devotion and courage have, it is generally supposed, never been equalled except perhaps in the modern armies of Japan. Indeed the whole French nation almost went out of their minds with enthusiasm and devotion when they discovered that not only were anarchy, cruelty, torture, injustice, and wholesale executions stopped, but

that preferment in the whole government service, civil and military, had, in perfect good faith, been thrown open to the whole population, and that all the feudal absurdities of the middle ages, the crushing taxation, and the restraints on trade, commerce and industry were gone never to return.

This was Napoleon's understanding and carrying out of the doctrine of equality, which had been so much talked of before his time, but never put in practice. Equality, as he enforced it, meant equality before the law for rich and poor alike, freedom from class oppression and governmental oppression, and equality of opportunity based on merit and efficiency, so far as such opportunity could be given by laws.

He did not believe that the French people were at that time capable of conducting a purely Republican or Democratic form of government, although their admiration for such forms in speech and writing had been very great. He believed that their excitable temperaments, totally unaccustomed to self-government, must be kept in order for a long time by military force, and he certainly lived up to this belief. He thought, however, that they were competent to live under a modified or monarchical Republicanism; and in the offices of almost absolute power which he held, whether called First Consul or Emperor, he always submitted himself as a candidate to the vote of the whole people and was elected in every instance by overwhelming majorities. He also established a legislative assembly of moderate authority.

The success of this semi-Republicanism was unquestionably wonderful for half a generation. It rejuvenated France. The people had never been so prosperous and happy. But the more successful it was the more the allies, with England and Austria at their head, were determined to destroy it. It meant, they believed, sure ruin for their civil order and political systems. An elective head of a nation, and not only elected, but himself of obscure birth, without pedigree or legitimacy

from the divine right of kings, does not trouble or excite us very much now; but at that time it seemed to most Europeans to cut at the roots of their most cherished political and even religious principles.

The feeling in this country toward Napoleon has, perhaps, been too much influenced by what has been written about him in England, where he was held up to universal execration as a monster of infamy. It is difficult to conceive of a crime that has not been imputed to him. He was described as a murderer and an assassin with ability only to corrupt and mislead the French people, and in private life habitually addicted to the most unnamable debaucheries and the lowest vices.

His followers laughed at these charges, and when he himself read the books and pamphlets containing them, he also laughed and asked, "How could I get time for these things?" In the intimate descriptions of him by his friends, he appears as a most abstemious man of well-regulated life and of a capacity for work and for going without sleep, whether in the saddle or at his desk, almost surpassing belief. If in addition to this he had also such a capacity for debauchery as is described, he was certainly a great deal more than human.

Among people of moderate opinions, who reject the personal attacks upon him, one of the weak points of his career seems to have been that he had a thirst for conquest; that he was not content merely to defend France from her enemies; that he intended to conquer the whole civilized world and turn it into his private empire, where he could enforce his famous code and carry out his ideals of industrial Republicanism and equality of opportunity for the masses. His reply to this was that he had often tried to stop the wars, had sometimes succeeded, but that the allies, jealous of the prosperity of France, had begun the wars again; that they would not let either him or France alone, and that to protect her he must surround her by a circle of con-

quered country. But this question raises the whole history of his career, will possibly never be settled and certainly cannot be discussed here.

It has been thought also to have been one of his weaknesses that although he abolished the old French aristocracy, yet towards the end of his career he established another one composed of his own successful generals and statesmen; and while this aristocracy professed to be one of merit, recruited from the middle classes, like the English aristocracy, yet it is supposed to be doubtful if that method of recruiting it could have been kept up in France.

Although he was an elected Emperor, he was so ambitious to perpetuate his family in that office, that because she was childless, he divorced himself from his wife Josephine, the only woman he ever loved, and married a daughter of his arch enemy, the Emperor of Austria; and this divorce from Josephine, some of his greatest admirers have found it hard to forgive. The execution of the Duke d'Enghien, a loyalist of the old aristocracy, was continually brought up against him as an instance of his cold-blooded cruelty, although it is probable that, the execution having been done without his knowledge, he haughtily refused, as was his practice, to repudiate the work of his subordinates.

All these things, the vast armies of four and five hundred thousand men on each side that swept over the whole continent of Europe, and crossed and recrossed the snows of the Alps, for fifteen years; the marvellous strategy and tactics unknown before in the military art, the stupendous battles—Austerlitz, Wagram, Hohenlinden—the unexpected resourcefulness of the French people, who seemed as if they would be able to breed boys for endless slaughter and supply war material and money forever; all these were the great events of European history and the subject of continual discussion during Webster's youth and early manhood.

Among American political parties, the Federalists

were opposed to the French Revolution, mistrusted its ideas, mistrusted Napoleon and echoed the English hatred of him to the letter. Among our conservative classes the common saying was that England was the champion of civilization against the degradation of democracy. For many years after the Napoleonic wars were over, this violent feeling against France remained. To denounce Napoleon was an essential badge of respectability in many parts of the country, strongly Federalist; and long after Napoleon's death, the first book published in his favor was denounced from the pulpit.

The Democratic party favored France; they were in sympathy with many of the doctrines of the French Revolution and they had no fears of the spread of French anarchy. They believed that beneath all Napoleon's conquests and absolutism there was an honest purpose on the side of human rights and modern progress. They were enthusiastic over the recollection of the assistance France had given us in our own Revolution; they insisted that we owed her a debt of gratitude; and during Washington's administration he and the Federalists had with difficulty prevented Jefferson and his party from forcing us into giving active help to the French nation against Great Britain and the allies.

Webster accepted, of course, the Federalist view of the Napoleonic wars; and, perhaps, his most positive statement on the subject was in that Fourth of July oration which he delivered when a boy in college. Napoleon at that time had returned from Egypt and had become the supreme ruler of France; and young Webster in the regulation Federalist swing denounced fair France and described her hero as "the gasconading pilgrim of Egypt."

The boy was, of course, merely repeating what he had been taught. That Napoleon as a soldier was a mere lucky braggart, was naturally the first opinion of his skill, especially among his opponents; and possibly Webster never lived long enough to reach the impartial

point of view where he could fully appreciate those wonders of strategy and tactics.

In his later years Webster was not a violent partisan, and indeed was famous for his independence in politics. But he was brought up a very strict partisan. His father was of that type; and once, it is said, being taken sick in a Democratic town had himself removed lest he should die in such pollution.

In the year 1806, when Webster, twenty-four years old, delivered his Fourth of July oration at Concord, our relations to England and France were approaching a crisis. Ever since the French Revolution began and involved England and all the nations of Europe in war there had been a decided advantage in our favor, because the more the European nations became involved in the contest the more the carrying trade of the world was thrown into the hands of American ship owners. America became the greatest neutral trader. She carried supplies of all sorts to the belligerents, and also to their colonies. American enterprise had not been turned inwards to develop manufacturing, canals, railroads, and mining. We had not yet reached the Rocky Mountains. Our energy, indeed, had only just crossed the Alleghenies. Ships and cargoes and the numerous interests dependent on them were the most important and impressive source of money making; and in 1806 this trade and navigation had been steadily increased for nearly fifteen years by the French Revolution and the Napoleonic wars. Our merchant vessels crossed the Indian Ocean and the Pacific; our whalers sought their game from the equator to the poles; the stars and stripes though only a generation old was seen in every climate; we had acquired a large part of the carrying trade of the world, and were pressing close upon England's dominion of the seas.

This shipping interest was particularly prosperous in New England, and is sometimes described as if that were the sole seat of it, probably because New England

became more aggressive in defending it. But the seafaring prosperity was also to be found in New York, and on the Delaware, was decidedly prosperous in the Chesapeake, and extended to the ports of Charleston and Savannah.

That this prosperity should rouse the hostility of both England and France was natural. England would like to check it because it was gradually depriving her of her imperial attribute of the carrying trade of the world and was supplying her enemy, France, with the necessaries of life. France would like to check it because it was supplying England with the necessaries of life, and because Napoleon shrewdly saw in it a chance to draw America to his side and make her an enemy of England.

Ever since our Revolution, England as mistress of the seas had claimed and exercised what she called her right of seizing our sailors when found ashore by her press gangs, and forcing them to serve in her men-of-war; and also the supposed right of stopping our merchant vessels, and even our men-of-war, and searching them for British subjects which, when found, she carried off to serve in her own ships. She denied what is now called the right of expatriation. Once a British subject, always a British subject, was her doctrine, and her subjects could be taken by her wherever found.

The press gang was a method of recruiting her navy authorized by act of Parliament. She had always had difficulty in recruiting both her army and navy; and the army had been often recruited by hiring foreign mercenaries as in the case of the Hessians in our Revolution. The press gang was no doubt lawful enough from her own point of view, when used on her own subjects in her own ports. But when used on our citizens in foreign ports, it was an outrage and a violation of public law and human rights that justified war.

In other words, as we had submitted to these outrages for many years, we had not yet attained our full national independence; or if we may be said to have had

independence on the land, we certainly did not have it on the ocean. Napoleon saw in this an opportunity to arouse us for his own advantage by suggesting that if we wanted him to treat our merchant vessels with respect and admit them to trade in French ports, we must compel Great Britain to give us our rights on the high seas. To the Federalists this seemed mere low cunning on his part to embroil us with England; but to the Democrats it was a statesmanlike taking of an opportunity and a very proper appeal to the manhood of Americans and all other neutral nations.

At this time, however, in the year 1806, the Federalists were as severe as the Democrats in denouncing England for violating by search and impressment our rights upon the ocean; and Webster in his Concord address of that year said more severe things of the English than he ever said of them again in all the rest of his life. But both he and the Federalists were on the eve of a change in this respect, a change which had a profound influence upon the fortunes of both of them.

Napoleon had overrun Prussia and ordered British vessels excluded from its ports; and in May, 1806, Great Britain by an order in council had declared a blockade of the coasts of Prussia and also of the coast of France from Ostend to the mouth of the Seine. This was to cut off neutrals, particularly America, from trading to those ports and supplying the Napoleonic armies. But it was a mere paper blockade, and did not fulfil the requirement of international law, that a blockade, to be respected by other nations, must be an actual one. England, however, paid little attention to international law in those days, and considered herself entitled, as mistress of the seas, to seize any neutral that she believed had violated this mere paper proclamation.

Napoleon retaliated by what became known as the Berlin decree, which was another paper proclamation blockading the British Islands and declaring that no vessel of any nation touching at British ports or at a

British colony, should be allowed to enter French harbors.

He, too, would seize American vessels believed to have violated this decree. England replied by another order in council in January, 1807, excluding all neutral vessels from trading with any port of France or her allies from which British vessels were excluded. And to this Napoleon replied by the famous Milan decree by which any vessel that had allowed itself to be searched by a British cruiser was declared to have lost its neutral character, and any vessel sailing between British ports should also lose its neutral character, and become lawful prize.

This was to arouse America into immediate hostility or war with England and turn her into an ally of France. Napoleon declared that he would maintain these severe measures against all neutral nations until each one roused itself to throw off British tyranny on the sea. America was, however, the only neutral nation of importance. All the rest were involved in the great struggle over Napoleon's conquests, liberty, and equality.[1]

Such, in brief, were the famous French Decrees and British Orders in Council, which brought on the War of 1812. They were calculated to ruin our trade and drive us from the ocean, and on the ocean they made us a dependency of both France and England. In order to trade with any port on the continent of Europe an American vessel must first touch at a British port and pay taxes on her cargo. But if she did this she was liable to be seized and sold by Napoleon's government.

American ships were being rapidly seized by either

[1] Napoleon had previously made a clever move with Louisiana, the great territory lying between the Mississippi River and the Rocky Mountains. He bought it from Spain in 1800, and intended to make it a strong French colony. But learning in 1803 that England intended to attack it he sold it to us through the Democratic administration of Jefferson, thus preventing England getting it and securing the favorable regard of the American Democrats.

England or France under this new system; and in June, 1807, an event occurred close at home, that nearly brought on the war in that year. The British frigate *Leopard* found the United States frigate *Chesapeake* off the coast of Virginia, and being more powerful in men and guns, compelled her to give up four sailors.

It almost precipitated war at once. Our people would probably have supported any immediate act of retaliation. But President Jefferson and the cooler heads of the dominant party were restrained by the thought of our weakness and our little navy in which neither party, at that time, had any confidence; for England had a thousand warships, and we had just twelve. It is true that England's frigates were involved in the vast conflict of Europe; but it seemed as if she might easily spare twenty-five or thirty to destroy our twelve. Jefferson, however, demanded reparation for the outrage, and he ordered all British war vessels to leave the waters of the United States. Congress was summoned in special session, and on his recommendation passed the embargo act indefinitely prohibiting the departure of any vessel from the United States for a foreign port.

An embargo was not a new idea. There had been one in Washington's administration, and several measures of a similar restrictive character in the administration of John Adams. It was a good device to protect shipping, keep enterprising captains and owners from rushing into danger until conditions could be more accurately known. This particular one, however, was intended not merely to protect our vessels, but to injure England's trade and prevent her receiving supplies. It was a retaliation in place of war. The Democrats wished to avoid war or postpone it if it possibly could be postponed. The party was composed principally of the farming element of the population. They had adopted Jefferson's economical principles. They wished to pay off the national debt. They had no ships to be injured by the embargo. They wished to avoid

the expense of increasing the navy and they had no confidence in the navy as it was.

The French Decrees, the British Orders in Council, and the embargo had now changed the position of the Federalists, who were the ship-owning element of the population. They were now driven into a position which in the end ruined them as a political party. They had been a great and noble party in their time. The national government is to this hour conducted on the principles and methods which were laid down by them in the days of their power. Believing America incapable of making war upon both England and France, or upon either of them, they saw in the decrees and orders more danger from France than from England. Their ships, they believed, were safer under English aggressions than under French aggressions; and the greatest danger of all had come, they said, from our own Congress, whose embargo had tied up every one of their vessels to rot indefinitely by the wharves.

Webster took this view and in his pamphlet on the embargo, written in 1808, changed from the enemy of England to her friend. The embargo, he argued, was unconstitutional because unlimited in time. An embargo for a definite period of a few months based on the seven or eight words in the Constitution giving Congress power "to regulate commerce," was no doubt allowable. But Congress had not been given power to destroy commerce by an indefinite embargo. The embargo was not intended to warn merchants, which was its only proper sphere. It was intended by the Democrats as a war measure against England. It was aimed to favor France and take sides with her against England. It was intended to force on a war with England. The Democrats wanted a British war and a French alliance. He enumerated a dozen or more places besides Sweden with which American vessels could still trade under the British Orders in Council. But the embargo had cut them off from these; and the embargo

was therefore a worse enemy of the American shipowner than England.

In short, the embargo set New England indignation in a flame; and the arguments were in time piled up by maturer hands than Webster's. That our ships should be seized and sold by England and France was bad enough; but it was worse for our own government to seize them and let them rot by the wall. An idle ship is more ruinous than a captured one, because it must be kept in repair. To render valueless by a stroke of the pen thousands of American vessels, eight hundred thousand tons of shipping, as was said at the time, to deprive of a livelihood the hundreds of thousands of men, women and children dependent on those vessels, was a worse blow than a foreign enemy would give.

It hit New England hardest of all; for in that region there were six towns that owned more than a third of the tonnage of the Union; and as the Southern people talked secession when it was proposed to deprive them by a stroke of the pen of millions of dollars' worth of slaves, so the New Englanders now talked of secession from the Union when they saw their fortunes and livelihoods swept away by a proclamation, and the noble and romantic ships, the pride of their lives, laid up as useless hulks.

The year 1808 following the passage of the embargo act was Presidential election year. Jefferson was to go out of office, and Webster, as a good Federalist, wrote his pamphlet against the embargo to help what he believed to be the true cause.

One might have supposed that his party would have won; for how could the Democrats or any political party survive a policy of such financial ruin as the Federalists described the embargo act to be? The Federalist candidates were C. C. Pinckney, of South Carolina, and Rufus King, of New York, selected after the manner of the time, one from the South and the other from the North, so as to catch the Federalists' votes of both sec-

tions. But they received only forty-seven of the one hundred and seventy-six electoral votes, showing how deeply our people felt the outrages and insults of what had once been our mother country, and how strongly committed they were to the Democratic policy of retaliation upon England for her outrages. They had full confidence that the Democrats, no matter what mistakes they might make, were the only party that in the end could be trusted to defend the honor of the nation.

The Federalists, it should be said here, had been now for some time in opposition. Still strong in the seaport towns, especially in New England, they had in the country at large become the minority. Their day of power had been Washington's two administrations and the administration of John Adams, ending in 1801. Then Jefferson and the Democrats went in and were the popular and powerful party for sixteen years. So Webster began his political career in a minority party, growing all the time weaker and more unpopular; and for its misdeeds he was called to severe account in the famous debate with Hayne; and indeed those misdeeds clung to him in one way or another all his life.

As an injury to England, the embargo was not a success. It did not compel a withdrawal of the Orders in Council. British manufacturers and merchants were injured by the loss of the American trade, as they afterwards testified before Parliament. But British shipowners rather liked the embargo because it tended to leave the ocean-carrying trade to their vessels. It lasted two years, unquestionably inflicting heavy losses on all our shipping interests and even injuring the farmers of the Democratic party who found their crops and produce sinking in value because they could not be carried to foreign countries to be sold. In 1809 it was repealed, largely because it seemed likely to break up the Union. It was replaced by the non-intercourse act which prohibited American ships from trading with Great Britain or France while their offensive measures continued,

but allowing trade with other nations. This was less injurious to our commerce than the embargo, but however much it may have injured the business of British manufacturers and merchants, it had no effect in compelling a withdrawal of the British Orders and the French Decrees. It was repealed in 1810, and Madison, who was now President, began preparations for the war with England, which seemed inevitable and could no longer be postponed by embargoes or non-intercourse acts.

As stop-gaps to satisfy our people, gain time, and lead them to think that something aggressive was being done, the embargo and the non-intercourse act, no doubt, served a purpose. Their defenders always said that the embargo saved our whole marine from annihilation and our merchants from universal bankruptcy; for if our ships had been allowed to go out they would have all been captured and the loss would have been total instead of partial and temporary. By seizing all our ships and cargoes and imprisoning the crews of them, the resources of England and France would have been augmented and ourselves enfeebled. We should have had all the calamities of war without any of its advantages, and would then have been forced into an immediate war.

With the stop-gaps all removed, Congress tried another plan which was, on its face, an attempt to entice either France or England to take our side of the controversy. An act was passed which declared that if either Great Britain or France would revoke her offensive decrees, our non-intercourse law would be revived against the other nation. This was Napoleon's opportunity and he announced that the French Decrees would cease to operate after the 1st of November, 1810, if the English should revoke their Orders and renounce their absurd principle of blockade or the Americans should cause their rights to be respected by the English.

This diplomatic statement, which committed France

to nothing, was conveyed in a mere note to the American minister and was all he had to show the British government when he made demand upon them. They refused to repeal their Orders until better proof of the French repeal was furnished. President Madison, however, accepted the note as a repeal of the French Decrees, declared our trade with France opened and our trade with England closed after the 2d of February, 1811. Napoleon, when he heard of this, directed his cruisers to continue to take American vessels violating the Decrees; but his prize courts were not to pass upon these captures until the 2d of February, 1811, when he would more explicitly decide the question.

The 2d of February came and passed, leaving the controversy unchanged. On the 28th of April Napoleon repealed the Decrees, but in so obscure a way that the news of it was more than a year in reaching America and England. Many believed that there never was such a repeal; and in spite of the repeal Napoleon's cruisers continued to seize our vessels for violating the Decrees. In May the American frigate *President,* in attempting to ascertain the nationality of the British cruiser *Little Belt,* brought on an engagement in which the American vessel, being superior in guns and men, was the victor.

This was war. In fact, if we couple with this engagement the continuous seizure of our ships by England and the capture of our frigate *Chesapeake* by the *Leopard* four years before, a state of war had existed between us and England for a long time. Nevertheless, our representatives in Europe kept beating over the same old ground with the French and English diplomats for another year, going round and round and round the same old point, whether the French Decrees had really been repealed. Nothing was accomplished. Neither England nor Napoleon had the slightest intention of allowing anything to be accomplished, and at the end of the year, on the 18th of June, 1812, Congress formally declared war against England, or rather formally

recognized the war which had existed for some time. Five days after the declaration of war the British Orders in Council were repealed, apparently on the ground that the British government had at last learned that the French Decrees had been repealed the year before in April, 1811; but the war went on for two years.

Like the rest of the Federalists, Webster remained an opponent of the war all through its course. He believed it unnecessary and unjust; he believed that the controversies over the orders and decrees and the right of search could have been settled by increasing our navy or by peaceful means without impoverishing the whole mercantile class.

The Federalist commercial interest was very sensitive about peace. They believed that peace was absolutely essential to the advancement of the American marine, which our small navy would be utterly unable to protect in a war. If we went to war with a European power, if we even incurrred the enmity of such a power, the millions of dollars' worth of American property afloat would be ruined. Above all things, we must not provoke the enmity of that greatest of naval powers, our rival in the carrying trade, Great Britain. It might be true that she at times treated us with contempt, that she searched our ships and took from them the sailors whom she believed to be her subjects and added them to her own crews, that she would seize our ships if she found them trading with her enemies, that, in short, she denied to us on the ocean that independence that we had with difficulty wrested from her on the land. All these things, reasoned the Federalists, might be unfortunate; but we must submit to them a while longer; we were not powerful enough to resist them. If we could only keep the peace a while longer our commerce and trade would grow to such proportions and power that all such questions would settle themselves by the natural force of events.

The Massachusetts Federalists worked themselves up

to such a high argument and so habituated themselves to belittling the injuries England had done us that they finally announced that only eleven Massachusetts sailors had been impressed on board British vessels. Why should the whole country go to war about eleven vagabond sailors, who were probably foreigners after all, and originally natives of England, Ireland or Scotland?

The embargo, said the New England Federalists, was a conspiracy between the South and the West to ruin the East. The South and West despised the commerce of the East and were jealous of its power. The embargo had been dictated by France out of hostility to England that "had done our commerce no essential injury." England was "the bulwark of our holy religion." England was struggling for her salvation, "fighting the battles of Christendom against the French anti-Christ and his host." [2]

Before the embargo on their commerce, the Federalists had on numerous occasions denounced England's impressment of our sailors and searching of our ships, and advocated making war upon her. But now Federalist ship-owners came forward and made long affidavits that in all their long experience they had never had any sailors impressed or at most only one or two. But there seems to have been overwhelming evidence the other way. By the investigations of Congress, and of such distinguished Federalists as Timothy Pickering and Rufus King, before they had decided to turn to the English side, it appeared that in the six years previous to 1810 there had been 4579 of our people seized by British press gangs, of which 1361 were discharged, leaving 3218 detained in the British service. In less than eighteen months from March, 1803, to August, 1804, there were, by British admission, 1232 impress-

[2] Matthew Carey, "Olive Branch," 7th edition, pp. 141, 142, 145, 221, 223, 224.

ments of our people and only forty-nine of them claimed by England as British subjects.[3]

It was a horrible form of man-stealing and slavery. The poor fellows were imprisoned on British warships for life or for years, passed from one ship to another, and when the war broke out compelled to fight against their own country. Parents, relatives and friends made efforts for rescue, usually unavailing. It was as bad as the enslavement of our people by the Moors and Barbary pirates. To save our sailors from impressment the plan was adopted of furnishing them with protections or passports, identifying them as American citizens. But when they presented these the British captains tore them in pieces and threw them overboard.

"I told him I did not belong to his flag and would do no work under it. He then ordered my legs to be put in irons, and the next morning ordered the master-at-arms to take me on deck, and give me two dozen lashes; after receiving them, he ordered him to keep me in irons, and gave me one biscuit and one pint of water for twenty-four hours. After keeping me in this situation one week I was brought on deck and asked by Captain Elliott if I would go to my duty. On my refusing, he ordered me to strip, tied me up a second time, and gave me two dozen more, and kept me on the same allowance another week." (Carey, "Olive Branch," 7th edition, pp. 214, 215.)

This man, after nine weeks of torture, finally submitted, was wounded in an action with a French frigate, and after three years of servitude, the American consul procured his discharge. The sufferings these men would go through for the sentiment of the flag were astonishing. Mere jackies, "worthless vagabonds," they were, nevertheless, the men who, by their industry and skill, had created the vast mercantile wealth on which hundreds of American families were living in ease and luxury.

[3] Matthew Carey, "Olive Branch," 7th edition, pp. 196–199, 225, 230, 214, 220, 231, 232, and table preceding title page.

When called upon to fight an American vessel they would often refuse, or go to the captain and offer to surrender themselves as prisoners of war. But they were usually flogged and forced back to their places with pistols held at their heads. Our poor jacks on the *Peacock,* however, had a pleasant revenge when they met the *Hornet.*

"After the *Hornet* hoisted American colors, he and the other impressed Americans again went to the captain of the *Peacock* and asked to be sent below; said it was an American ship; and that they did not wish to fight against their country. The captain ordered us to our quarters; called Midshipman Stone to do his duty; and if we did not do our duty, to blow our brains out. 'Aye, aye,' was answered by Stone, who then held a pistol at my breast, and ordered us to our places. We then continued at our places and were compelled to fight till the *Peacock* struck; and we were liberated after about two years and eight months." (Carey, "Olive Branch," 7th edition, p. 216.)

When the *Constitution* took the *Java,* thirteen impressed Americans were found on board of her, and, though it seems like an exaggeration, it was estimated by the American consul at London, that altogether England had obtained from us by impressment, 14,000 men for her navy.

Like other New Englanders, Webster was himself a sufferer from the embargo and other retaliation measures of the Democrats. His legal business, like the business of other lawyers, fell to a low ebb. But after his embargo pamphlet he took no part in politics for four years.

In 1809 he delivered the address before the Phi Beta Kappa Society of Dartmouth College. With his wife and Mr. and Mrs. Mason he drove by easy stages to the college town of Hanover, composing his oration at the inns on the journey or during the drive of each day, for he had been too busy with the law before leaving to make any important preparation. The address was on the "State of our Literature;" and it is

better written than the embargo pamphlet. It shows original thought, and also the change of style that association with Mason was bringing about. It was the sort of occasional address, the forerunner of the Plymouth and Bunker Hill orations, with which he afterwards attained such distinction. Not the equal of those orations in elaborate oratory, in popular appeal, or in number of words, its brevity, nevertheless, contains ideas which are rather more interesting to the cultivated mind to-day than anything in those famous orations. Those orations, after all, in order to be popular, had to be something of a return to the old screeching style of oratory which Webster in his heart despised.

Literature, he says in this Phi Beta Kappa address, cannot spring up in the soil of uncultivated minds. Learning is not the spontaneous, self-planted oak of the forest. It is the plant of our gardens; and there had not yet been enough garden culture for it in America. There must be a demand for literature before it will appear. Genius will not display itself unpatronized and unregarded. It is coy and will be wooed. We had not yet turned our energies to these things of the mind. Although we were a nation of farmers, we had not yet established agricultural societies for comparing farmers' ideas. We had no historical societies to preserve the records of the past.

"It has indeed been said that America is yet too young to imbibe an ardor for letters; that she can hardly expect even works of mediocrity for years yet to come; that seven centuries from the foundation of Rome were scarcely sufficient to produce Horace and Virgil, Hortensius and Cicero; that when as many years have rolled by, from the landing of our fathers, as from Romulus to Augustus, we may then expect great poets, orators and historians. No reasons from analogy can apply among nations so entirely dissimilar. Rome set out in the career of national existence completely barbarous. She got up out of her cradle an infant savage, with all the wolf in her blood. She was profoundly ignorant of first elements. She began at her alphabet. America, on the contrary, commenced her existence at a time when the sources

of knowledge were unfolded, and the human mind was bounding forward in the path of improvement. Her first colonists were scholars. Raleigh, Smith, Penn, Robinson are not names found in the first page of Roman history."

His forecast for American literature was fulfilled. When he spoke we had, you may say, no literature; but before he died in 1852, Longfellow, Holmes, Poe, Irving, Prescott, Motley, Parkman, Irving, Hawthorne, Lowell, and the rest of his great contemporaries had made their mark and he himself was counted as a part of that literature.

In a word, literature came in spite of the causes working against it, which were, he said, our inordinate devotion to money-catching and our love of petty local politics. It was not politics as a science, the science of government, which was injurious, but the low contentious forms of it.

"Let ambitious genius beware, how it plants itself on the arid soil of political contention."

He was evidently looking about for the phases of American life that favored or did not favor distinction. Ordinary politics were against it. Journalism was against it. His opinion of the journalism of that time was not a respectful one. In France a career in journalism has been usually regarded as favorable to literary talent aspiring for the best; but in this country the opposite opinion has usually been held.

Webster, with a consciousness of his powers, had naturally an eye to distinction. He regarded politics and even law in that light more than in any other. Writing to his son many years afterwards, he tells him that the career of an ordinary lawyer is far from desirable; and if no pathway to high distinction is seen in the law, it were better let alone.

It is curious to find him enlarging on these thoughts in his Phi Beta Kappa address at the age of twenty-seven when we remember how well and how carefully

WEBSTER AS A YOUNG MAN
(Artist unknown)

he cultivated his literary taste and formed his style on the great masters of speech, though deep in both politics and law all the time. He always succeeded in keeping them from interfering. His contemporaries were always struck by his remarkable power of separating things, of turning from one to the other, and dismissing completely the first. He could argue a case in the Supreme Court and fulfil every technical and customary requirement of the art; and the next hour make an excellent speech in the Senate requiring such a totally different manner and point of view, that in the Senate good lawyers were often inferior to half-educated back-woodsmen.

Webster became one of the greatest examples of high literary taste and genius successfully applied to law and politics; and when we read the debates of the Senate in Jackson's time, and in the mass of forgotten coarseness, crudity and mediocrity find Webster's classic speeches standing out and surviving untainted by the pollution, we begin to see how the ideal of the youth was carried out by the man.

He was not in politics yet of any kind. But three years afterwards in July, 1812, just after the declaration of war, the clock struck and his hour had come. He delivered the Fourth of July address before the Washington Benevolent Society of Portsmouth. In regulation partisan style he assailed the war and the Democratic administration. We had built up a magnificent commerce since the Revolution, and if our navy had been kept up instead of being sacrificed to the economical ideas of farmer Democrats, England would never have ventured to have enforced her Orders in Council or her supposed right of search.

"If the plan of Washington had been pursued, and our navy had been suffered to grow, as it naturally would have done, with the growth of our commerce and navigation, what a blow might at this moment be struck, and what protection yielded, surrounded as our commerce now is with the dangers of sudden war."

But instead of building up the navy, the Democrats had allowed one part of it to rot and had sold another part at auction to help their too economical treasury until it was reduced to only twelve frigates and five smaller vessels.

The war, Webster went on to say, was causeless; there was more reason for war with France. France had begun the restrictions on neutrals. There could have been no such war as this in Washington's time. He understood commerce; he knew that the Constitution had been primarily adopted to encourage commerce. Commerce was the hope of America. It had made the country, paid its Revolutionary debt, was its hope for the future, and the bond of union that held the States together. "To call upon us now to forsake the seas, to forget the virtues of the magnet, to lose even the observance and guidance of the stars, is to summon us to repeal at once, as well the constitution of civilized man, and the laws of nature, as the Constitution of the country."

Worst of all, as we had no navy, the end of this democratic war would be to force us into an alliance with France as a last resort to save ourselves from British conquest. And then he launched forth into the horrors of such a connection, an abomination to which New England would never submit. Rather than see the unhallowed hosts of France spread over their paternal fields all New Englanders would commit suicide. "There is no common character, nor can there be a common interest between the Protestants, the Dissenters, the Puritans of New England, and the Papists, the Infidels and the Atheists of France; or between our free republican institutions and the most merciless tyranny that ever heaven suffered to afflict mankind."

It is easy to understand that in a community like Portsmouth, strongly ship-owning and Federalist, the delivery of such an oration was a very distinct proof that young Webster could be put to other uses than

the practice of the law. At least so the Federalists of Portsmouth thought. The Democrats would have kept Webster in private life and some criticisms of him from a Democratic source in Plumer's reminiscences may be useful.

"The first notice I find of Mr. Webster in my journal is under date of August, 1810: Webster is a young man under thirty. As a speaker merely he is perhaps the best at the bar. His language is correct, his gestures good; and his delivery slow, articulate and distinct. He excels in the statement of facts; but he is not thought to be a deep-read lawyer. His manners are not pleasing—being haughty, cold and overbearing. . . . September 8, 1812, Charles Cutts, who was here a few days since, informed me that at the meetings of the Washington Benevolent Society of Portsmouth, Daniel Webster regularly delivers political lectures to the Society, and that he is getting a great influence there. . . . Webster has talent equal to any office; but he is as malignant as Robespierre and not less tyrannical! Party feeling was at this time very strong and virulent; and in these party strifes, Mr. Webster's blows fell too fast and heavy not to inspire equal dread and resentment in his opponents. It must be admitted, too, that his manner at this time was like Wolsey's, 'lofty and sour to them that loved him not.'" (Works, National Edition, vol. xvi, pp. 546, 547.)

One reason they loved him not was because the Judges had been all Democrats and when Webster's Federalists got into power they reorganized the courts, turned out all the Democratic Judges and put Federalist Judges in their places. Webster had shown some of his early command of language by denouncing the ignorance and stupidity of the Democratic Judges.

In after years association with the great world in Washington changed Webster's lofty Federalist manner and he became one of the most affable of public men. Soon after his speech before the Washington Benevolent Society, he was appointed at the head of a committee that took charge of a mass meeting of the Federalists of Rockingham County, in which Portsmouth was situated. The meeting was called to protest against the war; and the document sent by it to President Madison

was known as the Rockingham Memorial and was written by Webster.

It contained not a little of that power of argument which characterized his maturer years. There are passages in it that almost convince us that the old Federalists may have been right. It beat over the old ground that the war was unjust; that its supposed cause, the impressment of American sailors, was greatly exaggerated; there were numerous ship-owners and captains in both New Hampshire and Massachusetts who in twenty years' experience had never lost a single native American sailor by impressment; the States in favor of the war were the States that had no seamen, while those that had three-fourths of all the mariners were voting by great majorities against the war: the neighbors, the friends, the relatives of the supposed impressed sailors, the sailors themselves, that were at home, were all voting against the war. England claimed no right to impress our seamen, but only her own subjects, and was willing to adjust all difficulties amicably; the country was unprepared for war; there was no navy to protect it; and when the commercial States originally accepted the Constitution it was on the understanding that their interests should be protected by an adequate navy; this had not been fulfilled and the failure might break up the Union. As for an alliance with France New England would have no part in it, and would treat French troops as enemies.

The passage which enforced the hints about danger to the Union was often afterwards quoted by the defenders of secession.

"We are, sir, from principle and habit, attached to the union of the States. But our attachment is to the substance, and not to the form. It is to the good which this union is capable of producing, and not to the evil which is suffered unnaturally to grow out of it. . . .

"We shrink from the separation of the States, as an event fraught with incalculable evils, and it is among our strongest objections to the present course of measures, that they have, in

our opinion, a very dangerous and alarming bearing on such an event. If a separation of the States ever should take place, it will be on some occasion when one portion of the country undertakes to control, to regulate, and to sacrifice the interest of another; when a small and heated majority in the government, taking counsel of their passions, and not of their reason, contemptuously disregarding the interests and perhaps stopping the mouths of a large and respectable minority, shall, by hasty, rash, and ruinous measures, threaten to destroy essential rights and lay waste the most important interests.

"It shall be our most fervent supplication to heaven to avert both the event and the occasion; and the government may be assured that the tie that binds us to the union will never be broken by us."

These hints were certainly not altogether consistent with Webster's arguments in later life. But there had been all sorts of talk about secession ever since the adoption of the Constitution. It was a common partisan argument of the time that unless so and so were done "the American Union must be dissolved." In 1811 in a debate in the Senate on a bill to admit the territory of Orleans as a State, Josiah Quincy declared that if the bill passed it would be the right as well as the duty of some States to "prepare definitely for separation, amicably if they can, violently if they must."

Those few words "amicably if they can, violently if they must," contain the theory, the two methods of separation, which prevailed at that time. The first, or amicable, method was for the discontented States or section to come to an agreement with the other States on some plan of break-up or separation arranging the conditions and details. That is to say, all the States should come together again and make, in effect, a new Constitution, or if you please, amend the Constitution so as to let the discontented States leave the Union. The violent plan was simply that the discontented section should exercise the right of revolution, declare itself independent, refuse obedience to the general government, and, if necessary, maintain that position with the sword. The New Englanders do not

seem to have maintained at that time that the Constitution itself, by its own terms, gave a State either the legal right to secede or the legal right to annul objectionable acts of Congress. They seem to have regarded the Constitution as binding the States together into a union that could be broken only by common consent or by violence and revolution. The idea that the Constitution itself allowed nullification and secession as legal rights under the Constitution was not put forth until some ten or fifteen years afterwards and then not by the New Englanders but by the South Carolinians.

But returning to the instances of discussion of this subject of dissolution in that period, we find that in 1803, when Spain suspended our right of deposit of merchandise at New Orleans, contrary, as was believed, to the treaty, there was a great cry for war among the Federalists. The Boston *Sentinel* for January 17th contained the statement that "the free navigation of the river (the Mississippi) must be preserved to that portion of the American people or the American empire must be dismembered." In the "Life and Letters of George Cabot," Senator Lodge has given with considerable fulness the discussions which took place about this time among leading Federalists in Congress—Pickering, Griswold, Tracy, Plumer, Hellhouse and others—on the advisability of forming a Northern Confederacy to include New England, New York, and perhaps Pennsylvania, New Jersey, and Canada. Their reason for this was disgust with the Jeffersonian Democracy then in power. Pickering, as in the following letter, was quite outspoken on the subject.

"And must we submit to these evils . . . The most intelligent of the Federalists here have been reflecting on this subject with the deepest concern. Massachusetts, as the most powerful, they say, should take the lead. At the word from her, Connecticut would instantly join. There can be no doubt of New Hampshire. Rhode Island would follow of necessity. There would probably be no great difficulty in bringing in Vermont. But New York should also concur; and, as she

might be made the centre of the northern union, it can hardly be supposed that she would refuse her assent. New Jersey would assuredly become an associate; and it is to be wished that Pennsylvania, at least east of the Susquehanna, might be induced to come into the confederacy. At no distant period the British Provinces on the north and northeast would probably become a part of the northern union. I think Great Britain would not object; for she would continue to derive from them, when become States, all the commercial advantages they would yield if continued her provinces, without the expense of governing and defending them." (Life and Letters of George Cabot, p. 445.)

"Although the end of all our Revolutionary labors and expectations is disappointment, and our fond hopes of Republican happiness are vanity, and the real patriots of '76 are overwhelmed by the modern pretenders to that character, I will not yet despair. I will rather anticipate a new confederacy, exempt from the corrupt and corrupting influence and oppression of the aristocratic Democrats of the South. There will be (and our children at farthest will see it) a separation. The white and black population will mark the boundary. The British provinces, even with the assent of Britain, will become members of the northern confederacy. A continued tyranny of the present ruling sect will precipitate that event." (Life and Letters of George Cabot, p. 441.)

These Federalists tried to bring to their plan other Federalists, but without success; and Alexander Hamilton's refusal is noteworthy.

"I will here express but one sentiment: which is that dismemberment of our empire will be a clear sacrifice of great positive advantages, without any counterbalancing good; administering no relief to our real disease, which is democracy; the poison of which by a subdivision will only be the more virulent." (Works, vi, p. 568.)

It was very natural that the advantages and disadvantages of the union should have been freely discussed at that period when the union under the Constitution was not a generation old and still, in the opinion of many, an experiment.

Going back to 1796 we find the Hartford *Courant* assailing the South, saying that if the slaves were fit for food the Southerners would eat them, and that the

union would be an impossibility for any long period in the future.[4]

"We have reached a critical period in our political existence. The question must soon be decided, whether we will continue a nation at the expense even of our union, or sink with the present mass of difficulty into confusion and slavery."

"Many advantages were supposed to be secured and many evils avoided by a union of the States. I shall not deny that the supposition was well founded. But at that time those advantages and those evils were magnified to a far greater size than either would be if the question was at this moment to be settled.

"The northern states can subsist as a nation, a republic, without any connection with the southern."

Going further back, we find that in the convention that framed the Constitution, there was a minority party that wanted to continue the old league under the Articles of Confederation with a few amendments. They protested against a national government, but they were voted down by the majority. When the Constitution was offered to the people for adoption, we find a minority here and there objecting because it made too strong a government, a government that was not a league of States like the old confederation. Some prominent men like Luther Martin, of Maryland, voted against the adoption of the Constitution because it created a national government and took away so much of the independent sovereignty of the States. On the other hand, the advocates for adoption, like Johnson and Ellsworth in Connecticut, and the writers in the *Federalist,* recommended the Constitution because it was not a league of States, because it acted upon individuals and not upon States, and because it created a nation.

With these two parties pointing out with the clearest distinctness that the Constitution, if adopted, would create an indissoluble union, the majority of the States,

[4] M. Carey, "Olive Branch," 7th edition, pp. 246, 269, 271, 272; Abridgment of the Debates of Congress, vol. iv, p. 327.

with their eyes open to what the Constitution really was, adopted it as it came from the convention that framed it; and that convention in submitting it to the people of the States had reminded them that it was intended to consolidate the union. Legally and constitutionally there was, therefore, never any room to doubt that no State under the Constitution had a right to nullify the laws of the Congress, or, what was the same thing, peacefully secede from the union. If a State or a number of States chose to secede by force, or by the right of revolution as it is called, an inalienable right retained by all communities, that was of course an entirely different question outside of the pale of legal argument.

As there had been a minority opposed to the adoption of the Constitution because it created what was then called a consolidated union, there was very naturally for several generations after a minority here and there that, when dissatisfied, would talk about secession. The Federalists of New England threatened it in 1796, in 1803, and in 1812.[5] The South Carolinians threatened it in 1830, in 1833, and led the other Southern States into a war for it in 1861. In all cases it was a minority. The majority of the people of the country, like the majority that adopted the Constitution, have always regarded that instrument as doing exactly what its words import; creating an indissoluble union that could not be broken by any peaceful methods.

Webster finally became the most illustrious advocate of the indissoluble union. But at present he is with one of those minorities that were looking the other way. As the war went on and New England commerce suf-

[5] In 1821 the Richmond *Enquirer* recommended a punishment for persons who should attempt to enforce judgments of the Supreme Court or Acts of Congress within the State of Virginia, and in the same year the Legislature of Ohio taxed the Bank of the United States. Jervey, Life of Hayne, pp. 115, 116. See also the same author, pp. 35–40, for another instance.

fered greater and greater devastation, the people talked disunion more than ever.

It had been really a very fine thing, that New England commercial ascendency; that ship-owning aristocracy, with its generously built and noble old houses; its romantic influences of trade with the whole world; its cargoes and wild adventures from India and China; the vigor and freshness of the "gay green sea," and the sailor's inspiring life. The New Englanders knew how to turn all this picturesqueness to account in their lives much better than the New Yorkers or the Carolinians. They described it and gave it a fascinating literary form. They filled their homes with its spoils and treasures. Old families grew more wealthy and refined. New families were coming on in the same path.

It was the sort of conservatism of education, wealth, and intellect that was always particularly attractive to Webster; and when its foundation, that is, its wealth, was being knocked from under it by the Democrats' war with England, the outcry resounded on all sides. There were heavy losses and great suffering; there is no use in denying it; and New England literary ability is able to make an outcry very vivid. There were many prosperous ship-owning merchants at that time in New York, Philadelphia, and Charleston; but Boston exalted the picturesque ideal of the New England merchant and his misfortunes beyond all others.

Not to dwell too long on this unpleasant period, New England began to do very naughty things. Several of her more reckless ministers of the Gospel preached secession from the pulpit. The *Sentinel*, the *Repertory*, and the *Boston Gazette* advocated it, and declared the union already practically dissolved. Regarding herself as entirely separated from the Democratic administration and its war, New England established a regular system of trade with the public enemy. The British army and navy were supplied with cattle and provisions driven over the line into Canada. Everything possible

was done to defeat the war loan of the government. Attempts were made to draw the specie from the banks south of New England. Those in Boston who were willing to subscribe to the war loan were so overawed by public opinion that they had to make their subscriptions in secret. The British ministry, thinking a great opportunity might have arrived, sent a Canadian lawyer, John Henry, to New England to report how near the country was ripe for revolt and union with Canada. The English fleet blockaded the whole of our coast except New England. The Democratic Congress passed the Embargo Act of 1813 because they believed that New England, unblockaded, was trading with Great Britain and supplying with provisions the fleets and armies that were invading America.

This last embargo act roused New England indignation more than ever. They believed the country ruined; the war after two years seemed hopeless of success; our little navy, in spite of its first victories, had disappeared from the ocean; the army was defeated and useless; England preparing for heavy invasion; New England unprotected; the general government bankrupt; and with the government in the hands of such people as the Democrats it was a curse rather than a blessing. Accordingly the Massachusetts legislature, by an overwhelmingly large vote, called a convention of all New England. A picked body of the most respectable and conservative Federalists, twelve from Massachusetts, seven from Connecticut, four from Rhode Island, two from New Hampshire, and one from Vermont, met in what has ever since been known as the Hartford Convention of 1814, which sat with doors closed to the public and discussed the troubles of the time.[6]

A great deal of argument has been written for and

[6] See generally Life and Letters of George Cabot and M. Carey's Olive Branch, 7th edition, pp. 298, 303–308, 310, 311, 316, 322–327, 351, 354, 441, 449–457; McMaster, History of the People of the United States, vol. iv, pp. 222, 229, 251; Webster, Works, National Edition, vol. xvi, p. 193.

against this convention. But it is better to quote their own language and opinions on the question of secession, and in the report they published there are two passages on this question. The Constitution, they said, had been a most successful instrument of government under Federalist administration; but with the Democrats in power an unjust war had been begun which was ruining New England. But they would be patient and not on this account dissolve the union.

"If the union be destined to dissolution by reason of the multiplied abuses of bad administrations, it should, if possible, be the work of peaceable times and deliberate consent. Some new form of confederacy should be submitted among those States which shall in time maintain a federal relation to each other. Events may prove that the causes of our calamities are deep and permanent. They may be found to proceed, not merely from the blindness of prejudice, pride of opinion, violence of party spirit or the confusion of the times; but they may be traced to implacable combinations of individuals, or of States, to monopolize power and office, and to trample without remorse upon the rights and interests of commercial sections of the union. Whenever it shall appear that these causes are radical and permanent, a separation, by equitable arrangement, will be preferable to an alliance by constraint, among nominal friends, but real enemies, inflamed by mutual hatred and jealousy, and inviting, by intestine divisions, contempt and aggression from abroad. But a severance of the union by one or more States, against the will of the rest, and especially in a time of war, can be justified only by absolute necessity." (Dwight, History of the Hartford Convention, p. 355.)

They then go on to show that the method of the Democratic administration in dividing up the country into districts for calling out the militia, and leaving the calling of them within the discretion of the President, was a violation of the Constitution, by which the militia could be converted by the President into a standing army to destroy the liberties of the States. They were wrong in their law, however, for the Supreme Court afterwards held that the President had this discretionary power of calling out the militia. They go on to say:

"That acts of Congress in violation of the Constitution are absolutely void, is an undeniable position. It does not, however, consist with respect and forbearance due from a confederate State towards the general government to fly to open resistance upon every infraction of the Constitution. The mode and the energy of the opposition should always conform to the nature of the violation, the intention of its authors, the extent of the injury inflicted, the determination manifested to persist in it, and the danger of delay. But in cases of deliberate, dangerous and palpable infractions of the Constitution, affecting the sovereignty of a State and liberties of the people, it is not only the right, but the duty of such a State to interpose its authority for their protection, in the manner best calculated to secure that end. When emergencies occur which are either beyond the reach of the judicial tribunals, or too pressing to admit of the delay incident to their forms, States which have no common umpire, must be their own judges, and execute their own decisions." (Dwight, History of the Hartford Convention, p. 361.)

But we must wait, they say, and see what shall be the "ultimate disposal" of all the obnoxious measures of the administration before deciding how to protect our rights and liberties. In fact, they say that any ultimate measure about disunion must be left to another convention, to be afterwards called, if necessary. They recommend a bargain or agreement to be made with the general government by which New England could assume her own defense with her own troops; that the Constitution be amended so that the representatives in Congress from the South shall be in proportion to the number of free inhabitants and not on the basis of both free inhabitants and slaves; that no new State be admitted to the union without the concurrence of two-thirds of both Houses of Congress; that Congress shall not have power to lay any embargo, or to declare war or interdict commerce, except by a two-thirds vote; that only native-born citizens shall hold office; that the President shall not be eligible to election a second time, nor a President be elected from the same State two terms in succession.

This is in substance all that the convention did or

proposed to do. The suspicion that in addition to these public announcements they plotted secretly to separate New England from the union has never been proved, remains a mere suspicion, and must here be dismissed with that, because it is more important in view of Webster's later career to consider the theory of the convention's disunion doctrines which may be briefly summarized.

1. What they say about States being entitled to be their own judges, when they have no common umpire and there is a deliberate, dangerous, and palpable violation of the Constitution, is taken from the Virginia and Kentucky resolutions adopted by the Democrats when the Federalists were in power and were pressing the Democrats hard with the alien and sedition laws. In other words, in those days any party that was pinched was apt to say, stop pinching me or I won't play any more. I will quit the game, go out of the union. This as Webster often afterwards pointed out, is not any theory of constitutional nullification or secession, does not rest for support on the words of the Constitution, but is a right outside of the Constitution and outside of all constitutions, is, in short, merely the right of revolution never denied by anyone, embodied in the Declaration of Independence, and not questioned in our time. Any State or community of people have the right, of course, to break away from intolerable tyranny or persecution and take their chances of a war over it.

2. The other method of separation the convention describes as "separation by equitable arrangement;" that is, by the agreement and consent of the other States coming together again and making a new constitution, or amending the old one so as to let the discontented ones depart in peace. The convention also seems to have been of the opinion that the Supreme Court is the proper tribunal for settling these serious questions, if they can be settled without resorting to the other methods. That was afterwards part of Webster's argument in the nullification debates of 1830 and 1833; and he pointed out that the Massachusetts Federalists had lived up to this doctrine by taking the Embargo Act before the Supreme Court to test its constitutionality, and when the court in 1808 decided it constitutional, accepting that decision.

3. This doctrine is quite different from the southern doctrines of nullification and secession. The southerners denied the authority of the Supreme Court to settle these questions of sovereignty. They did not rely on the right of revolution,

or on "separation by equitable arrangement," but declared that a State had the legal right to nullify objectionable acts of Congress and yet remain in the union; and later, that a State had the legal right peacefully to secede from the union of its own accord and without the consent of the other States.

In 1850 there was another outbreak of disunion sentiment in New England among the abolitionists because the Constitution guaranteed that slavery in the southern States should not be interfered with. The Constitution, the abolitionists declared, was "a covenant with death and a league with hell;" it was, they said, not worth preserving; and in order to get rid of that infamous guaranty they announced themselves ready to dissolve the union, or let the South dissolve the union, or do anything to be rid of the Constitution and its guaranty of slavery. That was their method of separation.

All this somewhat detailed consideration of the disunion opinions of the time and the reasoning of the convention will help us to a better understanding of Webster's position in the famous nullification controversy some fifteen years afterwards.

He had nothing to do with the Hartford Convention, although in after years great efforts were made to try to connect his name with it or show that he had approved of it. He always said that he had disapproved of it. He was in Congress at the time, and remained in Washington until after the convention had adjourned.

If he should return to us and we could have him down at Marshfield in his old haunts, at a good dinner, he would, no doubt, assure us in his most amiable and convincing way that the Hartford Convention and all the other dissolution talk in New England was mere froth and excitement, a passing excitement caused by the strain and heavy losses of the war and the embargoes, and that the New England people and their leaders had never had the slightest intention of real secession or anything like it; that they had taken the Embargo Act

before the Supreme Court to test its constitutionality, and when that tribunal had declared it constitutional they had had nothing more to say. In fact, he said the equivalent of this in his reply to Hayne; and the reports of John Henry, the British emissary, afterwards published in Matthew Carey's "Olive Branch," bear him out. That worthy person reported to the British ministry an immense amount of excitement, talk and threatening. But although he went up and down and all through New England seeking for something more definite, he finally concluded that there was no real intention to break away and no ground for expecting a real revolt.

Nevertheless, this excitement of sectionalism and provincialism put Webster into national politics. The Rockingham meeting which adopted the memorial he had prepared also nominated him for Congress, and he took his seat in May, 1813. No doubt it may have been part of his mission and training that he should be involved with this side that he might be the more competent in later years to argue the other. The first study of the great defender of the union was to learn how to destroy it for the sake of the sanctified provincial merchant. But he grew, he developed, he graduated from that narrow ideal into the broader field of the union and the Constitution one and inseparable.

"When a seat in Congress was first suggested to him he was inclined to decline because 'he was poor and must attend to his business as a lawyer.'

"The next day Judge Smith received a letter from him dated at N. Stratham, on his way down to Portsmouth, saying that on the whole he should not decline a seat if elected. As to the law, he added, 'I must attend to that too,—but honor is, after all, worth more than money.' 'The impudent dog that he is,' said Smith afterwards, in relating the story, 'he does not know the value of money, and never will. No matter, he was born for something better than hoarding money bags." (Webster, Works, National Edition, vol. xvii, p. 547.)

In Congress, Webster's most conspicuous effort was directed to securing the passage of a set of resolutions

calling on Madison's administration to explain when and how the repeal of the French decrees had been communicated to our government. The answer revealed, or more correctly, made certain, that there really had been a repealing decree; but it had not been received by our government until more than a year after its date and nearly a month after the declaration of war. The administration had acted in its negotiations with England and in the declaration of war merely on the original vague French note, which only suggested that there might possibly, at some time, be such a repealing decree.

Napoleon astutely arranged it so that the door should be open and the door should be shut. He had finally issued a repealing decree; no one could say that he had not kept his word; but he had so managed that its existence should not be known until America and England were committed to war; and at the same time he continued to seize American ships as if there had been no repealing of the decrees. So the debate raged anew in Congress, whether we should have gone to war with France instead of with England; or, as some said, "gone to war with them both."

Webster steadily voted and spoke against pretty much all the administration measures. He voted against the taxes. He voted and spoke against the bill for the compulsory draft of men for the army on the ground that only the States had the right to make such a draft. He used strong language against it, declaring that such a bill threatened "the dissolution of the government," and that it would be "the solemn duty of the State governments to protect their own authority over their own militia and to interpose between their citizens and arbitrary power." It was one of the measures the Hartford Convention complained of as unconstitutional and dangerous. It was generally unpopular, and the efforts of Webster and others defeated it. Their legal arguments against its constitutionality were plausible and strong; but the opposite opinion now prevails, especially

since the Civil War, and conscription and compulsory drafts by the general government are regarded as entirely constitutional and a necessary part of the national government's power.[7]

Webster also opposed the various plans of the Democrats for creating a national bank connected with the government, and, in fact, for the purpose of making loans to the government. His principal reason was that they gave the bank power to issue notes not redeemable in specie; and when a bank of the United States was finally created, he materially helped his party in making it a bank of specie payment. He was always unalterably on the side of hard money.

Webster opposed the plan of carrying on the war by invading Canada. It was impossible to conquer that land of snow. The war, he said, was avowedly for the protection of our maritime rights, and must be confined to that alone; the enemy must be fought only upon the ocean. The faith of the nation was pledged to its commerce; the great purpose for which the government was created was the protection of the country's commerce; "in the commerce of the country the Constitution had its growth; in the extinction of that commerce it will find its grave."

This was a rather narrow view for his nature, and so he instinctively tried to make it broad. If you must have war, he said, make it on the ocean. Turn from your inland border and look with the eye of justice and compassion on your vast population along the coast. If you are seriously contending for maritime rights, go to the theatre where alone those rights can be defended. Turn the current of your energy to the navy; increase, enlarge it, strengthen it. There the united wishes and exertions of the whole nation will follow you. Even our party divisions cease at the water's edge. In pro-

[7] Works, National Edition, vol. xiv, pp. 57, 68; Desty, Federal Constitution, p. 99; Story, on the Constitution, 5th edition, section 1193n.

tecting naval interests by naval means you will arm yourselves with the whole power of national sentiment and may command the whole abundance of the national resources.

It was a beautiful ideal, that if the war became a purely naval war for the glory of the ocean, it would cease to be a party war and would become a war of the whole people. So the policy which, at the start, seems narrow, is made to seem in his subtle hands a broad Websterian policy after all.

At home, in New Hampshire, the Democrats, especially Isaac Hill, editor of the *New Hampshire Patriot*, had quite an unfavorable opinion of Webster which, in after years, greatly delighted the abolitionists. Webster talked too much in Congress, said Hill, and "a fool is known by his much speaking." "The self-importance and gross egotism he displays are disgusting. You would suppose him a great merchant living in a maritime city, and not a man reared in the woods of Salisbury or educated in the wilds of Hanover." His brazen confidence and volubility were mistaken for preeminent talent. He was trying to dissolve the union and set the North against the South.

We cannot discuss the details of the war in this volume. Our small armies were for a time badly officered, badly handled, and badly beaten. The Chesapeake region was invaded by the enemy, who burned the Capitol at Washington, the President's house, and other public buildings. Later in the war, with reorganized forces under General Jacob Brown, a Pennsylvania, Bucks County Quaker, of natural military genius, and with Jackson's victory at New Orleans, we did very much better. But the point where we unexpectedly, to the surprise of all the Federalists, excelled and won imperishable renown for the nation, was at sea.

Against England's thousand frigates our twelve seemed a monstrous absurdity; and the government thought at one time of forbidding them to leave port.

But time, as Paul Jones used to say, makes all things even; and the vast stretches of the ocean sometimes have the same effect. A thousand frigates are formidable if concentrated upon one point; they would be formidable concentrated upon the twelve, if the twelve would conveniently remain in one place. But scattered over the world of waters the thousand could be picked up by Napoleonic strategy one by one. Yankee ingenuity and daring, the trained American seamanship of a hundred years, the native aptitude for speed and marksmanship, saw their opportunity. Independently of the moral effect, England, still at war with France, could not afford to lose a fine frigate here and another there every few months, and to keep in the Atlantic several large fleets employed in a hopeless chase after these swift and unerring riflemen of the sea. In six months the American navy captured as many ships as Great Britain had lost in the previous twenty years of European wars.

Then, too, there were the privateers that swarmed out of the Chesapeake, the Delaware, the Sound, and the New England bays, with their mocking names, "Orders in Council," the "Dove," "Free Trade." They were often the equals of the smaller men-of-war, and they were sweeping up what was left of British commerce. The captain of the *Chasseur*, after capturing eighty vessels, some of them his superiors in force, and clearing the British channel of merchantmen, issued a burlesque Orders in Council, declaring the British Islands blockaded and forbidding all other nations to trade with them. It looked as if, after all, Webster might be right. Concentrate upon the ocean and the game was ours. Sea power controls the politics of the world.[8]

It was somewhat curious that our most successful captains and crews, both on warships and privateers, came from Federalist New England opposed

[8] Roosevelt, Naval War of 1812; Coggeshall, American Privateering.

to the war. The English cruisers in time began to seize about as many of our merchantmen as we did of theirs, and we were less able to bear such losses. But it was a question whether it was worth England's while to suffer such heavy losses in addition to the war with France, merely for the sake of the supposed right of search. All this, however, is another story. Webster is in Congress, not on the quarter-deck. Many eminent men were with him. Henry Clay, Calhoun, and the eccentric Randolph of Virginia, are still familiar names in history. Then there were Joseph Hopkinson and John Sergeant of Pennsylvania, Pinkney of Maryland, Forsyth of Georgia, and a number of others conspicuous in their time. There was, of course, the duelling set among the southern members; and Randolph boasted of being the best shot in Virginia. Of extraordinary cleverness in speech and anecdote, of telling sarcasm, vituperation and effrontery in debate, incapable of sustained logic or legal argument, but something of a power in his way, undeniably interesting with his thoroughbred saddle horse for himself and an equally good one for his negro servant, John Randolph of Roanoke, as he always signed himself, was a curious and rather sad instance of Virginia intellect gone to seed.

It was inevitable that he should have some difference of opinion with Webster in debate, and he sent the usual challenge. Webster, as a New Englander, despised duelling; and he wrote a characteristic reply.

"Sir: For having declined to comply with your demand yesterday in the House, for an explanation of words of a general nature, used in debate, you now 'demand of me that satisfaction which your insulted feelings require,' and refer me to your friend, Mr. ——, I presume, as he is the bearer of your note, for such arrangements as are usual.

"This demand for explanation, you, in my judgment, as a matter of right, were not entitled to make on me; nor were the temper and style of your own reply to my objection to the sugar tax of a character to induce me to accord it as a matter of courtesy.

"Neither can I, under the circumstances of the case, recognize in you a right to call me to the field to answer what you may please to consider an insult to your feelings.

"It is unnecessary for me to state other and obvious considerations growing out of this case. It is enough that I do not feel myself bound, at all times and under any circumstances, to accept from any man, who shall choose to risk his own life, an invitation of this sort; although I shall be always prepared to repel in a suitable manner the aggression of any man who may presume upon such a refusal.

"Your obedient servant,

"DANIEL WEBSTER."

Nothing ever came of the challenge, because so many friends of both the men had seen that Randolph had no ground for his complaint; and they united in effecting an amicable adjustment.

In 1824 a second misunderstanding occurred between Webster and Randolph which was expected to lead to a challenge. Randolph regarded his veracity as having been questioned. But the affair was patched up by Benton and has been discussed in the Preface.[9]

During his service in Congress, Webster lived at Crawford's Hotel, in Georgetown, a sort of headquarters for Federalists. His old friend Mason and his preceptor in the law Mr. Gore, both in the Senate, and also Rufus King, lived there with their wives in a kind of state frequently seen in those days; Mr. Gore and Mr. King "keeping a coach and four horses and driving every morning to the humble chamber in which the Senate met in consequence of the destruction of the Capitol by the British." The Federalists clung to these old formalities and to the old-fashioned costume and powdered hair of the revolutionary period, and were much ridiculed for it by the Democrats, who were adopting the short hair and the less formal manners and dress which have marked our own time. Webster was, at this time, making a great study of English politics. Volumes of the Annual Register and the Parliamentary Debates covered his table.

[9] Works, National Edition, vol. xvi, p. 102.

V

DARTMOUTH COLLEGE CASE—KENNISTON TRIAL—CONSTITUTIONAL CONVENTION—PLYMOUTH ORATION

The War of 1812 closed with the Treaty of Ghent, December 24, 1814, ending hostilities, but deciding nothing as to impressment, right of search, or orders in council, which, however, England never seriously insisted upon again. Soon afterwards, the Battle of Waterloo, fought in 1815, ended the wonderful career of Napoleon. For fifteen years he had kept all Europe at bay; he had made the most important ideas of the French Revolution respectable and respected; he had developed military organization and strategy beyond all previous human calculation; and turned France into a garden of industry and financial prosperity. But he had used up her best sons in his wars and made a gap in the French stock of men that has never been replaced. He was now in the hands of the English tory government, and they would gladly have executed him or ordered him out to be shot as an enemy of European peace and civilization. But not exactly daring to do that, they sent him to exile on the island of St. Helena, to be slowly put to death by imprisonment and petty humiliating annoyances in its fatal climate.

So far as we are concerned, let us remember that his wars gave us an opportunity for the development of commercial wealth, seamanship, and skill in shipbuilding that we had never had before and that he kept England occupied long enough for us to wrest from her our natural rights upon the ocean. His downfall and exile and the restoration of the old monarchy to France was the end of a long political period of extraordinary turmoil and confusion. A totally new period began, new

for England and new for America. The high ascendency of extreme toryism in England, which had been kept up by fears of the effects of French liberalism, gradually decreased until within less than a generation we have a return to power of the English Whig or Liberal party with the reform bill, free trade, and other doctrines of the school of Lord Russell and Gladstone. In America, the success of the War of 1812 helped to continue the Democrats in power for a long time. The Federalist party was so unpopular for its course in the war that it disappeared entirely. The questions raised by the war immediately passed away and a new set of difficulties, the protective tariff, financial and banking problems, internal improvements, public lands, nullification and slavery, took their place.

Webster remained in Congress only a couple of years after the war, closing his service with the session that ended on the 3d of March, 1817. Two questions arose towards the end of his service in which his conduct was remembered long afterwards; in fact, quoted against him, or for him, to the end of his life.

One was the protective tariff which was brought up in 1814. There was a war tariff of double duties at that time, and when this was repealed along with the repeal of the embargo and non-intercourse acts a resolution was passed directing the Secretary of the Treasury to report at the next session a general tariff of duties; and this resolution, Calhoun said, was a pledge that the manufactures which had grown up during the war would not be allowed to go unprotected. Webster, like other New England Federalists, differed from Alexander Hamilton and the rest of the Federal party in being considerably inclined to free trade because they were a community of ship owners. So he debated the question with Calhoun, said he was not the enemy of manufactures, but at the same time was not for rearing them in hotbeds; "it was the true policy of government to suffer the different pursuits of society to take

their own course and not to give excessive bounties or encouragements to one over another."

"I am not anxious to accelerate the approach of the period when the great mass of American labor shall not find its employment in the field; when the young men of the country shall be obliged to shut their eyes upon external nature, upon the heavens and the earth, and immerse themselves in close and unwholesome workshops; when they shall be obliged to shut their ears to the bleatings of their own flocks upon their own hills, and to the voice of the lark that cheers them at the plough, that they may open them in dust and smoke and steam to the perpetual whirl of spools and spindles and the grating of rasps and saws."

Those were congenial words to him; rather his best piece of congressional speechmaking so far; and there are only a few passages from his writings that have been more quoted.

At the next session, in 1816, Calhoun's promise was kept, and a protective tariff bill, advocated also by other South Carolina representatives, was introduced and passed. It placed a somewhat high duty on cotton and woollen goods, iron and hemp, and killed the valuable New England trade of importing cotton fabrics from India. Webster made no general speech against it on general principles, but tried to lower the duties on cotton, and also on iron and hemp, which the New Englanders wanted to obtain cheap because they were so much used in the construction of their ships.

The other subject in which he became conspicuous was in stopping the payment of the government debts in the depreciated paper of the State banks instead of in coin, treasury notes, or notes of the Bank of the United States. The custom of paying in depreciated paper was a mere bad habit more than anything else, though an old one; and was most inconvenient, expensive, and threatened to be ruinous. Webster's resolution and speech, which stopped it, were ever afterward remembered to his credit; and are almost the only part

of his political conduct which his abolitionist constituents in New England approved.

As already related, he had left Portsmouth and moved to Boston in August, 1816, for the sake of increasing his income above the $2,000 a year of his New Hampshire practice. He had at first been inclined to go to New York as the place where in the "next twenty years the great scenes to be enacted in this country are to be viewed. Our New England prosperity and importance are passing away." [1] This was the regulation Federalist lament of the time against the war that had injured, or destroyed as they said, New England commerce. It was not well founded, and Webster, no doubt, changed his opinion.

His home and library in Portsmouth had been destroyed by fire in 1813, and in the winter of 1816–17 his daughter Grace, a precocious, but very charming child, died of rapid consumption. These were the domestic changes in his life; and he now, at the age of thirty-five, seemed to have bade adieu to political life. The political party that had put him into that life was gone never to return, and he now entered upon a very prosperous professional career. His career in Congress had increased his reputation. He had been retained in some important prize cases before the Supreme Court in Washington; business poured in upon him; and during his first year in Boston his fees increased from the comparatively trifling $2,000 of his New Hampshire practice to the very substantial amount of over $15,000.

The Boston of that time was a town of only 40,000 inhabitants. Gardens with shrubs and trees surrounded many of the residences. There were no railroads, street railways, telegraph, public lighting, or any of the modern wonders, and its water supply came through a line of log pipes from Jamaica Pond. The town had only four notaries and one savings bank, still elected

[1] Correspondence, vol. i, p. 256.

two pound keepers, four fence viewers, and three hog-reeves; its directory had a separate list of "people of color," and this was the character of the town for a generation and more after Webster came to it. The people all knew one another. The upper classes were intimate among themselves, learned, keen, seeking knowledge from every source and intensely interested in literature and every sort of intellectual pursuit. They undoubtedly had much to do with building up Webster into the remarkable man he became in the next twenty years.

A description of his daily life by his sister-in-law, Mrs. Lee, discloses the habits of the time and the dinner hour in the middle of the afternoon, a custom extending south to Philadelphia down to Civil War times and which some people still alive are old enough to remember. People either had less to do or got at their business earlier; and Webster was a particularly early riser, returning to dinner, Mrs. Lee says, "at two or three o'clock from the courts or from his office." After dinner he would throw himself on the sofa, his wife sitting near him, and his children squeezing themselves into all possible places and positions.

> "This was not from invitation to the children; he did nothing to amuse them, he told them no stories; it was the irresistible attraction of his character." (Correspondence, vol. i, p. 443.)

According to Mrs. Lee there was no return to the office after dinner. He remained at home the rest of the afternoon and evening rather tired, and had apparently begun his office labor very early in the morning.

The six years of litigation in all the courts and advice of all sorts to all sorts of clients, to which Webster now devoted himself, cannot be detailed here. But there were several employments of a public nature which became conspicuous and form an important part of his reputation.

The Dartmouth College case, in which he was re-

tained on the side of the college, has become such a landmark in our constitutional law and constitutional history, and its consequences have been so far-reaching, that it seems impossible to describe it too often. But its details would be less easy to remember and we should hear much less of it if some commonplace lawyer had won it for the college. Webster touched it with his unfailing picturesqueness, and its technical complications suddenly assumed, in his hands, a romantic interest.

The college had been founded in 1754, at Lebanon, Connecticut, as a charity school for the Indians, by the Rev. Dr. Eleazar Wheelock. Its success led to further subscriptions, especially in England, for enlarging it and opening its doors to students of the white race; and for this purpose it was moved to Hanover on the Connecticut River, within the State of New Hampshire. As the Earl of Dartmouth, secretary for the colonies, had been a large subscriber, the college was named for him. In 1769 the British Crown granted a charter, making of the institution a corporation with a board of trustees and a president, in the form familiar to us in modern times. Under this charter the college continued its existence as a corporation through the Revolution and down to the year 1815, when there was roused against it some of the democratic and religious feeling peculiar to that time.

This feeling had started some twenty or thirty years before at Yale, where there was a party that wanted that college put under State control, and finally succeeded in accomplishing their purpose in a modified form. Dr. John Wheelock, son of the founder of Dartmouth, and its second president, had been living at Yale during this controversy and took sides with the party favoring State control. He was inclined to be a Presbyterian and differed in religious faith from the trustees and most of the people connected with Dartmouth, who were what was called in New England, Orthodox, or,

more precisely, Congregationalists of the old Puritan faith of the first settlers.

Dr. Wheelock finally quarrelled with his board of trustees, and addressed a memorial to the Legislature of New Hampshire, asking them to investigate the college, which, according to his account, was being ruined and perverted from its original purpose by the trustees in spite of all that he could do to save it. He retained Webster as his counsel; but Webster, finding how things were tending, withdrew from the employment. The Legislature responded to Wheelock's memorial by appointing a committee, which made an investigation of the college and reported that there was no ground for interference by the State.

But the subject was now before the public, and the Baptists, Methodists, liberals, and nothingarians, as Jeremiah Mason called them, joined with the Democratic party in favor of State control. A newly elected Democratic governor, William Plumer, dealt with the subject in his message, denounced the college charter as a relic of monarchy, hostile to the spirit of free government, and called in the aid of Thomas Jefferson, who wrote one of those letters of vague generalities which had given him the fame of a sage among some people and the notoriety of a demagogue among others. Lawyers and priests, he said, were trying to force the absurd monarchical doctrine of the inviolability of a charter which must never be changed because made by a wise preceding generation; "in fine, that the earth belongs to the dead and not to the living."

Under this influence and professing to regard Dartmouth as a private exclusive institution that would never amount to anything in that capacity, the Democrats urged that its funds and equipment should be taken possession of, literally seized, by the paramount authority of the State, and turned into a State university, at Concord, the capital. In 1816 the Legislature passed an act changing its name from the "Trustees of Dart-

mouth College" to the "Trustees of Dartmouth University," and, among other alterations, increasing the number of trustees and giving the State the power of appointing some of them. Among the trustees appointed under this act was Judge Story, who in politics was a moderate or independent Democrat. Under this legislation the trustees organized themselves as the university, and got possession of the college charter, its books, papers, and apparently of some of the buildings.[2]

The old college appears, however, to have gone on in its usual course with a good number of students, who stood by it loyally; and the Federalist families throughout the State were also loyal to it. The new university seems also to have kept itself going and there were thus two presidents and two sets of professors in the same village. The university, however, had only a handful of students, who in one instance, with the aid of their professors, undertook to seize some of the books and papers of one of the fraternities, but were overpowered by the students of the old college and compelled to surrender.[3] All this was good sport for the boys, and no doubt there was great enthusiasm among them.

Such a state of affairs could not of course continue, and was allowed to continue only while a case at law was made up to test the question in the courts. The issue was a serious one, for might not other State Legislatures do the same thing? Might not the Massachusetts Legislature seize Harvard College to convert it into a State university and might not the Connecticut Legislature seize Yale?

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[2] Webster, Private Correspondence, vol. i, p. 303, and other letters of years 1818, 1819; Smith, History of Dartmouth College, Chaps. XI and XII. See also Shirley's Dartmouth College Causes for much curious information, very confusedly arranged.

[3] Shirley, Dartmouth College Causes, pp. 291, 292.

In the lawsuit that was brought there were three legal points:

1. Whether under the Constitution of New Hampshire the Legislature had the right to alter or interfere with the vested rights of a college corporation.

2. Was a college a public corporation, like a town, or municipality, as we call it, whose charter is always subject to change at the pleasure of the Legislature?

3. If a college was a private corporation, was its charter a contract between the State and the persons to whom the charter was granted; and in that case was the change made by the Legislature in the Dartmouth charter forbidden by that clause in the National Constitution which says that no State shall pass any "law impairing the obligation of contracts?" This clause had been held to apply to ordinary contracts between individuals, to contracts to which a State was a party, and to certain grants made by a State. But was a college charter made by the British Crown and accepted as such by New Hampshire such a grant as could be called a contract?

The question seems easy enough now after it has all been settled for nearly a hundred years; but it was of extreme difficulty at that time when people's minds were not at all accustomed to the idea of a legislature not being able to control corporations it had created. In England, where Parliament is not limited by a written constitution, it has controlled and changed universities far greater than Dartmouth, and has deprived business corporations of their franchises, as in the famous case of the East India Company in 1858.

The Dartmouth case was argued in the Supreme Court of New Hampshire, and as counsel for the college appeared Mason and Jeremiah Smith, usually known as Judge Smith, a very eminent and learned lawyer of that time. Webster, now retained on the side of the college, was also in the case, and seems to have addressed the court in a highly emotional speech, which, however, has not been preserved. The decision was against the college, on the ground that the college charter created a public corporation, established for the purpose of public education; it was not in any sense

a contract with individuals and, therefore, must necessarily remain in control of the Legislature of the State, which could alter and regulate it for the public benefit.

This decision made the question all the more far-reaching and important. If the Dartmouth College charter was a public corporation, at the mercy of the Legislature, then the charters, not only of all institutions of learnings, but of charity and benevolence, all over the country, would be forever in the same predicament. It might be held that no charter of any sort of corporation could be regarded as a contract; and forecasting a little and extending the question into modern times, would not the charters of certain business corporations, canal companies, railroads, and steamboat companies, and possibly companies supplying food products or carrying on any important function which could be called public, be outside of the protection of the National Constitution and subject to change, regulation, and interference every time a new political party or a new set of men had a majority in a legislature?

The college appealed from the decision of the New Hampshire court, and took the case before the Supreme Court of the United States at Washington. Mason and Judge Smith, apparently feeling that they had done all in their power and that a fresh mind and a new point of view would be of advantage, retired from the case, and Webster, at the request of the friends of the college and with the entire consent of Mason and Judge Smith, was given charge of the appeal. He chose as his colleague Joseph Hopkinson, an accomplished Philadelphia lawyer of the old school, with many cases in the Supreme Court, in Congress at that time, and a great admirer and friend of Webster. They argued the appeal with John Holmes and William Wirt, the Attorney-General of the United States, against them.

Holmes was a clever Maine politician, who was afterwards in the Senate at the time of Webster's reply to Hayne, and made some good speeches in that great

debate. But as a lawyer he was hardly equal to the Dartmouth College case. Wirt was of very considerable ability and eloquence, but so busy as Attorney-General that he probably had not had time to prepare himself for such a difficult case. Webster, who was by no means given to underestimating an opponent, thought very poorly of both Wirt's and Holmes's arguments. Judge Bell, of the New Hampshire court, that had decided against the college, came on to Washington to hear the argument, but got up and left the court-room in the midst of Holmes's speech; out of disgust, Webster thought, at such a weak performance. So much, however, has been said on the gloriousness of the college side that one would like to hear what the friends of the university thought. But it is difficult to find anything except a small scrap.

"The two speeches of Wirt and Webster in the college case were as good as any I have ever heard. Webster was unfair in his statement, for which he deserved and received castigation; but his argument was able and his peroration eloquent. He appeared himself to be much affected; and the audience was silent as death." (Webster, Works, National Edition, vol. xvii, p. 548.)

In the argument in the State Court, the chief labor of preparing the brief appears to have fallen upon Judge Smith, and he quite exhausted the subject. Nothing of any consequence could very well be added to his collection of arguments and precedents. This was well known among New England lawyers, and Judge Smith's argument, though not published, was generally held among the profession to have been a remarkable one. This put Webster in a somewhat awkward position, which he felt very keenly. He had been chosen largely because he could by his oratory and broad views arouse the feeling and political sympathy of the Supreme Court; but the real basis of his argument, the technical legal part, must all be taken from Judge Smith's brief and notes. In fact, members of the Bar were already

twitting him by saying that now they would have a chance to know what Judge Smith's argument had really been. He told all this frankly in several letters to Mason and Judge Smith and said that he expected to do no more than recite their arguments, and that the rest would be "nonsense," as he called it, that is, oratory. In this way he strove to save himself from appearing to pose among his brethren in plumes borrowed from two men who were regarded as his superiors in legal experience and learning.

Technically there was only one question before the Supreme Court and that was whether the acts of the New Hampshire Legislature altering the college charter came within the clause of the National Constitution prohibiting the States from passing laws impairing the obligation of contracts. It was on this point alone that the case had been appealed, and it was the only point on which it could be appealed and give the Supreme Court jurisdiction. But with the decision of the State Court against him on this point, the democratic and States' rights feeling of the country supporting that decision, and several of the judges of the Supreme Court known to favor the State Court decision, Webster felt very uncertain about winning on this one point. He sought wider ground and wanted to argue that the acts of the New Hampshire Legislature were void because they violated the New Hampshire Constitution by depriving the college, without its consent, of its long-established vested rights, and that even without the provisions of the New Hampshire Constitution the Legislature could not as a matter of general law interfere with vested rights. He directed several suits to be brought about the college property between citizens of New Hampshire and Vermont, which, being suits between citizens of different States, could on that ground be taken to the Supreme Court at Washington and raise all the questions he wanted to argue. These he hoped to fall back upon if he failed in the Supreme

Court on the one narrow point of impairing the obligation of contracts.

At the same time, however, in arguing this point of obligation of contracts he managed to introduce his other argument, that the acts of the New Hampshire Legislature were void because interfering with vested rights, contrary to the New Hampshire Constitution. He frankly admitted to the court that this argument was irrelevant, but gave a good excuse for making it.

"I am aware of the limits which bound the jurisdiction of the court in this case, and that on this record nothing can be decided but the single question whether those acts are repugnant to the Constitution of the United States. Yet it may assist in forming an opinion of their true nature and character, to compare them with these fundamental principles, introduced into the State governments for the purpose of limiting the exercise of the legislative power, and which the Constitution of New Hampshire expresses with great fulness and accuracy." (Works, Edition 1851, vol. v, p. 468.)

He is supposed also to have slipped in a long argument on the wickedness of the Democratic party in attacking and desiring to destroy an institution of learning out of mere party spite and jealousy. He enlarged on the danger of such invasions. This is supposed to have been that part of his argument which he says was "left out" of the printed report of it.[4] If the surmise is correct, that the part left out was of this nature, it was no doubt for effect on the Federalist members of the court, especially Chief Justice Marshall. It was of course put in legal and delicate language and not in stump speech style. It naturally ran into and was connected with his other point, that as a matter of New Hampshire constitutional law and as a matter of general law without the New Hampshire Constitution the Legislature had no right, and should have no right, to interfere with vested rights against the will and consent of the holders of those rights. These arguments, while

[4] Shirley, Dartmouth College Causes, p. 237.

in a strict technical sense irrelevant, were really very much in point, because they showed what must have been the intention of the framers of the National Constitution in adopting the clause forbidding the States to pass laws impairing the obligation of contracts. The intention must have been to protect vested rights against party malice and sudden and excited changes of feeling in the population of a State, whether the name applied to such changes was agrarian, populist, federalist, or democratic.

It was in this way that Webster made his argument powerful. Three-fourths of his argument was devoted to these ideas and only the remaining fourth to direct argument on the constitutional clause about impairing the obligation of contracts. He had presumably been put in charge of the college's case to make just such an appeal because he was better equipped for that purpose than either Mason or Judge Smith.

His argument of several hours to the court has been preserved in his works in only its dry, legal form; but tradition and the testimony of Dr. Goodrich, who heard it, have always placed it among the remarkable speeches of his life. He began in his usual easy way, it is said, which afterwards became so familiar to the country; almost conversational; reasoning out his subject in the clearest, simplest way; occasionally his voice rising and his dark eye flashing, as some important thought or one of those similes drawn from nature aroused him. Judge Story had prepared to take notes, but sat hour after hour listening without putting pen to paper. "Everything was so clear," he afterwards said, "that not a note seemed necessary."

Not until the close of the merely technical argument did Webster permit himself to appeal powerfully to the court on the question of public policy, whether all the charitable and learned institutions in the country should be stripped of their property at the whim of legislatures. On this point no other man in the country could be

so impressive. It was the cause he showed, not merely of institutions and corporations, but of every man in the country who owned property: "Shall our State legislatures be allowed to take that which is not their own, to turn it from its original use and apply it to such ends and purposes as they, in their discretion, shall see fit?"

He started to speak of his personal relations to the college. "It is, as I have said, a small college, and yet there are those who love it." His feelings almost got the better of him, his eyes filled with tears and his voice choked. It was one of those powerful emotions which were natural to him and better controlled in later years. He went on, but in such broken words of tenderness of his father, mother, brother, and the trials of his early life, that Dr. Goodrich absorbed in listening could not recollect exactly what he said.

"The court room during those two or three minutes presented an extraordinary spectacle. Chief Justice Marshall, with his tall gaunt figure bent over, as if to catch the slightest whisper, the deep furrows of his cheek expanded with emotion and his eyes suffused with tears; Mr. Justice Washington at his side, with his small and emaciated frame and countenance more like marble than I ever saw on any other human being—leaning forward with an eager, troubled look; and the remainder of the court, at the extremities, pressing, as it were, towards a single point, while the audience below were wrapping themselves round in closer folds beneath the bench, to catch each look and every movement of the speaker's face." (Curtis, Webster, vol. i, p. 171.)

The argument of the cause occupied three days—March 10th, 11th, and 12th, of the year 1818. The next day the Chief Justice announced that there were different opinions, that some of the judges had not formed opinions, and that a decision could not be expected until the next term, which meant the following year. Chief Justice Marshall was generally believed to be on the side of the college; Judge Story against it, because he had been one of the trustees of the new

university and was a Democrat, though an independent one. Webster summed up the situation:

"The chief and Washington, I have no doubt, are with us. Duvall and Todd perhaps against us; the other three holding up. I cannot much doubt but that Story will be with us in the end, and I think we have much more than an even chance for one of the others." (Private Correspondence, vol. i, p. 277.)

The case had already attracted wide attention all over the country; and as the judges would be deliberating on it for a year, both sides set to work to influence them through public opinion. The new university had the decision and opinion of the New Hampshire court printed and circulated. The old college circulated Webster's argument among all important persons.

"'It has already been or shortly will be,' writes President Brown of the old college, 'read by all the commanding men of New England and New York; and so far as it has gone it has united them all, without a single exception within my knowledge, in one broad and impenetrable phalanx for our defense and support.'" (Shirley, Dartmouth College Causes, p. 271.)

The phalanx, the enthusiastic President said, was extending southward, and Chancellor Kent, whose opinion was everywhere greatly respected, had been won over. Accordingly, when February, 1819, arrived, Chief Justice Marshall had as usual brought round the Supreme Court to his own way of thinking, and with due solemnity he handed down an opinion reversing the New Hampshire court and deciding that the college was a private corporation whose charter was a contract that could not be altered by the Legislature without the consent of the college.[5]

The decision immediately became a cornerstone and foundation in American constitutional law. It is doubtful if any case has been so much cited, used, and relied upon by American lawyers and judges. In the "Ameri-

[5] Shirley, Dartmouth College Causes, pp. 201, 264–267, 268–272, 293, 294.

can Reports" it is cited nine hundred and seventy times.[6] More than that, the vast business operations of the whole continent have been built up upon it. It has been not only all our institutions of learning and charity that have been saved from spoliation, and Democratic jealousy, but our great railroad and steamboat systems and great enterprises of trade have been protected from the granger, populist, and socialist movements, which at times would have annihilated them. It may be true, as is sometimes said, that it has in later times protected them too well. But that is a modern limitation, a modern problem to be solved. They had to be protected in the beginning or they could not have existed at all, and they are entitled at all times to a certain amount of stability and protection.

A curious criminal case, in which Webster was counsel for the defense at this period, attracted much attention in New England. A certain Major Goodridge dragged himself into the toll-house on the road between Exeter, New Hampshire, and Newburyport, Massachusetts, late one night, said he had been robbed and beaten, showed a pistol shot through his left hand, and then fell into a delirium. When recovered he returned with a lantern and some persons to the place of the robbery, where they found his watch and papers scattered on the ground. Great sympathy was felt for him throughout the neighborhood, and many people assisted him in the search for the robbers. He first charged some poor people named Kenniston, in whose cellar he professed to have found a piece of gold and a ten-dollar note, both identified by private marks which he said he placed on all his money. Next, with the aid of a witch-hazel conjurer, he found some gold and papers on the property of the toll-gate keeper; and several others he accused in the same way.

Most people were entirely on the side of Major Goodridge. But a few doubted his story and retained Webster to defend the persons he accused. The inves-

[6] Webster Centennial at Dartmouth, p. 285.

tigation finally centred on the trial of the Kennistons, whose previous character was good and who had not passed any money, or been seen to have any, since the supposed robbery.

Webster adopted the theory that Goodridge was his own robber, and had fired the pistol shot through his own hand. It seemed like an improbable supposition at the start; but, as Webster told the jury, the range of human motives is almost infinite. Goodridge may have been moved by a desire to avoid payment of his debts or by a whimsical ambition for distinction. His story was that the pistol of the robber went off just as he grasped it with his left hand. But the physician who attended him found no marks of powder on his hand; and from appearances the wound was probably inflicted by a weapon held some feet away. There were marks of powder, however, on the coat sleeve, and the ball had apparently passed through the sleeve as well as the hand. The major, Webster said, had intended to shoot only through his sleeve and the ball had accidentally penetrated the hand.

Webster enlarged this point with wonderful skill and added greatly to his reputation as a cross-examiner. The Kennistons were acquitted; and another person, one Jackman, whom Goodridge accused, was also acquitted after two trials. The toll-gate keeper then brought an action for a malicious prosecution against Goodridge, a verdict for a large sum was recovered, and Goodridge left New England a disgraced man.

Twenty years afterwards, when Webster was travelling in western New York with his wife, he was surprised at the manner of a man who waited on them at a country hotel. The man was agitated and tried to keep his back turned; and it was not till he was leaving the hotel that Webster learned that his name was Goodridge.[7]

[7] Harvey's Reminiscences, p. 101; Curtis, vol. i, pp. 171–175.

CONSTITUTIONAL CONVENTION

From November, 1820, until January, 1821, Webster took part in the convention which met to frame a constitution for Massachusetts. The separation of Maine and its formation into a State in 1820, partly to please its people, who had begun to have ideas and development of their own, and partly to strengthen the northern anti-slavery vote in Congress, made necessary some changes in the old Constitution of Massachusetts adopted in 1780; and it was thought a good opportunity for a general revision.

Great care was taken in selecting the delegates to this convention, and it was a picked body of men from all over the State, at a time when there was much enthusiasm for the great problems of government and for things intellectual in New England. Chief Justice Parker and Judge Story were members of it; and every walk of life, commerce and agriculture, as well as the law, sent its best ability.

It was an audience that could thoroughly appreciate Webster. He was at home in it; could let himself out; show his alertness, abounding vigor, and fund of knowledge. He was at that period of his life "the most living man," some one said that they had ever known. He had little of the repose and ponderousness of his later years; and the mere amount of labor he could perform impressed people as much as the ease, and readiness of his ability.

The abolitionist historians who search so hard for some point, where what seems to them his peculiar form of wickedness began, could scarcely find a better place than this convention. There were not a few radicals in the convention who leaned towards considerable Democratic changes in the Constitution; but Webster opposed them and took his stand with the conservatives, who thought the Constitution very nearly right as it was, and favored but few alterations. Webster favored the removal of the declaration of a belief in Christianity as a qualification for office, and it was removed.

He advocated retaining the property basis of the Senate by which that body was chosen in districts in proportion to the amount of taxable property in each district. The Democratic radicals complained that this gave an advantage to the richer districts, and Webster answered them in a notable speech, showing the necessity for a different origin for the two Houses of the Legislature, the one to represent individuals and population, the other to represent property, and the two to act as a check on each other. He succeeded in having the property basis of the Senate retained; but in after years it was changed. He also made a conservative speech on the independence of the judiciary.

Judge Story, who also distinguished himself in the convention, said that the struggle was to prevent mischief to the Constitution. They strove to preserve what they already had rather than to establish anything new. They acted mostly on the defensive, and congratulated themselves on repelling the most Democratic attacks. It was one of the first occasions when Webster showed the conservatives of the country how much he could do for them; and before long they took him into their service for life.

"'Our friend Webster,' says Judge Story, 'has gained a noble reputation. . . . It was a glorious field for him, and he has had an ample harvest. The whole force of his great mind was brought out, and in several speeches he commanded universal admiration. He always led the van, and was most skilful and instantaneous in attack and retreat. He fought, as I have told him, in the imminent deadly breach, and all I could do was to skirmish in aid of him upon some of the enemy's outposts. On the whole, I never was more proud of any display than his in my life.'" (Life of Story, vol. i, p. 395.)

In the midst of his labors in the convention, he prepared and delivered at Plymouth on the 22d of December, 1820, the oration in celebration of the two hundredth anniversary of the landing of the Pilgrim Fathers from the *Mayflower*, on the bleak and inhospitable winter

coast, the first settlement of New England. These addresses or orations on public anniversaries were in that century more characteristic of America than of European nations. We made more of them. This particular one at Plymouth seems to have been an advance on its predecessors and attracted wide attention.

Mr. Ticknor has described the occasion. How he drove with Webster and his family from Boston to Plymouth. Other people from Boston were driving down for the celebration, and they all met in the little half-way house for dinner and "had a very merry time," in Boston fashion. In the oration next day Webster was very impressive; and Ticknor goes on to describe his experiences.

"As soon as we got home to our lodgings all the principal people then in Plymouth crowded about him. He was full of animation and radiant with happiness. But there was something about him very grand and imposing at the same time. . . . I never saw him at any time when he seemed to me to be more conscious of his own powers or to have a more true and natural enjoyment of their possession. . . . At the ball that followed (the next day) he was agreeable to everybody and nothing more; but when we came home he was as frolicsome as a school-boy, laughing and talking and making merry with Mrs. Webster, Mrs. Davis, and Mrs. Rotch, the daughter of his old friend Stockton, till two o'clock in the morning." (Curtis, vol. i, p. 193.)

The address contained a notable attack on slavery and the slave trade which Webster little dreamed would be quoted against him as an inconsistency thirty years afterwards. Everywhere when printed the address was received with what now seems like extravagant praise. Old John Adams wrote: "It will be read five hundred years hence with as much rapture as it was heard. It ought to be read at the end of every century, and indeed at the end of every year forever and ever." Webster himself, ten years after its delivery, thought it the best of his efforts.[8]

[8] Correspondence, vol. i, p. 490.

In his excellent address at Dartmouth College in 1901, Mr. McCall justly observed that this Plymouth oration, when read in our time, seems full of platitudes, and a tendency to grandiose oratory; and it is certainly not in Webster's best and most distinctive style. Its extraordinary popularity at the time of its delivery was probably because its method and matter were new. There had been occasional addresses of this sort before, Fourth of July orations, the famous addresses on the Anniversary of the Boston Massacre, and plenty of anniversary sermons. But Webster spread out into a broader field, commented in a philosophical way on the origin of New England, the character and ideas of her people, and their effect on the Revolution and subsequent history. We had then no adequate histories of colonial times or of the Revolution. Bancroft, Hildreth, and Fiske were unknown, so that Webster's clear statements of facts and philosophizing on them were altogether new and fresh to our people. He made everyone proud who could trace their lineage back to New England. In short, he raised the occasional address to new and broader uses. But his method and thought about New England and the Revolution have now been repeated so often in ever varying forms, that they seem absurdly trite and commonplace.

This Plymouth oration, however, is said to have been the beginning of Webster's fame in the country at large. It gave the country a new view of his capacity; more so than anything he had done in Congress or at the Bar. It was, in fact, his first opportunity to address the whole country on a subject in which the whole country was interested. Before that he had always spoken to more or less restricted audiences. But this enlarged view of the characteristics of the original New Englanders appealed to everyone, and especially to their descendants scattered over the country from the Atlantic to the Ohio. It was read everywhere and at a period when the attention of people was

not absorbed by such a multitude of literary products as it is in our time.

He was not likely to be left long in private life. In the two years following the Plymouth oration he was engaged in only two cases of much public importance. One of them was the case of *La Jeune Eugenie*, a slave ship under the French flag, captured on the coast of Africa. Webster argued that as the slave trade was not legalized by France and was contrary to the law of nature and of nations, the French owners of the vessel had lost all claim to her when she was captured by an American cruiser in the midst of her nefarious calling; and this argument was successful with his friend Judge Story, who presided in the Circuit Court where the proceedings in condemnation of the vessel were taken. The other case of importance was his defense of Judge Prescott, a probate judge in Boston, who, being compensated by fees and not by a fixed salary, had taken fees and had held special courts not authorized by statute.

VI

THE MISSOURI COMPROMISE—GREEK INDEPENDENCE—TARIFF OF 1824—GIBBONS VS. OGDEN

WEBSTER'S law practice in Boston, described in the last chapter, was all that he was allowed to indulge in by the public. A committee of gentlemen waited on him in the autumn of 1822 to offer him the nomination for Congress. It had always been his intention to return at some time to public life. He had ambitions and he knew he had the ability for that service. But he wanted to make a little more money at the Bar. He had assumed the payment of his father's debts and had never been able to discharge them until the recent increase of his practice in Boston. He was a lavish and careless spender of money and a bad saver and investor. In fact, he had no idea of saving or growing rich. His judgment in investments and savings, so far as his own affairs were concerned, was very nearly worthless. The intellectual power which raised him so far above his fellows in law, public finance, and national banking, sank away and disappeared entirely when his own private finances were concerned. In such matters he was not a whit above the multitude, who never can have anything except what they make from month to month. He could make very large sums from month to month and could have kept this up to old age, but it would all have been scattered as fast as made.

He did not exactly like going back into public life in the same position from which he had retired six years before. He was now forty years old and had rather considered himself entitled to promotion. But he already owed to the people of Boston so much of his success and distinction and his opportunities in the constitutional convention, that he could not very well

refuse this new and honorable gift. He was elected without difficulty and took his seat in December, 1823.

As we are now starting on the great political period of his career, it may be said here once for all that his numerous elections to Congress and the Senate during the rest of his life seem to have been accomplished with hardly any difficulty. There had been something of a contest in his New Hampshire election, but in his elections to represent Boston he always won in a canter, and once by a vote that needed very little to make it unanimous. Politically, he seems to have been born with a golden spoon in his mouth. But there was no luck or chance about it except the conditions of the time. The Boston of his day was not the metropolitan city of our time, with fully half its population Irish Roman Catholics and foreigners, but an old established, homogeneous New England community, everybody of the same race and the same religion, everybody knowing everybody, the upper and well-educated classes ruling, as a matter of course, and literary skill, learning, and cultivation respected, even exalted, as they have never been before or since anywhere in this country. Webster, with his previous training, fitted into it so exactly, was so exactly one of them, that these extremely rationalistic and vigorous people were sending to Congress simply a piece of themselves.

They created him, made him like themselves by long years of their environment, developed him by praise, applause, and confidence; and he never could have become the man he finally was without the long years of service they gave him in Congress. He never could of course have become the man he was without those very remarkable and fundamental problems of the Constitution and the Union with which it was his fortune to deal. All these were the peculiar circumstances of his creation and must be remembered.

It is, perhaps, true, as has sometimes been said, that he would be an impossibility in our time, and might

not have been in the Senate at all. If he had lived in our time he would of course have been moulded by our circumstances, and even assuming that the same ability could be created by our circumstances, he would still necessarily have been a different sort of person.

Now that he is again in Congress, he finds the political condition considerably changed since the War of 1812. What is known in our history as the "era of good feeling" had prevailed for some time under the administration of President Monroe. The Federal party was dead. President Monroe was re-elected in 1820 by an electoral vote that was almost unanimous. One elector voted against him so that he should not have the honor which had been given only to Washington.

Thousands of former Federalists were now Democrats or Republicans, as they were often called. The principal political differences were sectional, between the North and the South, or between the West and the Northeast, or between shades of opinion among the Democrats. But of course many of the good old conservatives in Boston who voted for Webster and elected him by such a large majority regarded themselves as still Federalists; and their opponents called them Federalists, although the Federalist party had no organized existence.

Congress was thoroughly Democratic; and we can understand how little ordinary partisanship there was when we find that as soon as Webster took his seat, Henry Clay, the Speaker, without consultation or hesitation, placed him at the head of the judiciary committee, an important position, which it had not been usual to give in such an off-hand manner to the opposite party, even when the person concerned was so eminently fitted for the post as Webster. But Clay, it is said, was bidding for Federalist votes.

Since Webster's previous service only one great question had come up in Congress and been settled, so far as it could be settled. Negro slavery had disap-

peared in the North; but in the South it was becoming more important than ever for three reasons. The invention of the cotton gin enabled a slave to clean the seeds from a thousand pounds of cotton in a day instead of from only six under the old process; the invention of spinning machinery in England enabled cotton to be manufactured into fabrics more easily than ever before, and created a demand for it; and the vast regions of Alabama, Mississippi, Louisiana, Arkansas, and Missouri were being settled, were favorable by climate and soil to cotton and slavery, and offered a prospect of great wealth to the southern people and slave owners.

Louisiana, Alabama, and Mississippi had been admitted as States in recent years with slavery recognized in each, and that, of course, increased the southern and slave-holding vote in Congress. As an offset to this, and to preserve the balance of power, according to the custom of the time, Indiana, Illinois, and Maine had been admitted as States to strengthen the northern vote and influence. But when Missouri in 1820 applied for admission as a slave State, the North and the South for the first time found themselves in a serious altercation. Missouri, the North said, was beyond the Mississippi River, and it had never been intended, when the Constitution was adopted, that slavery should spread beyond the Mississippi. The North, becoming every year more convinced of the evil of slavery and more intolerant of it, was in truth alarmed at this threatened spread of it. The South were equally alarmed at the threat to stop the advance of their enterprise and wealth, and announced the doctrine that the Constitution left slavery to the decision of the individual States, and that if Missouri chose to be a slave State neither Congress nor the North had any right to interfere.

The dispute was settled, principally, by Henry Clay, who took a leading part in arranging what we know as the Missouri Compromise, the first of his famous efforts of this kind. Missouri was admitted as a slave State, but slavery was to be prohibited in all the rest

of the Louisiana purchase north of latitude 36° 30′, which was the southern boundary of Missouri. Webster as a citizen of Boston appears to have been opposed to the Missouri Compromise. He was one of a committee to report resolutions against the extension of slavery into Missouri or into any territory beyond the Mississippi, and he made a speech to the same effect. The spread of slavery must, he said, be stopped or it "would roll on desolating the vast expanse of continent to the Pacific Ocean." This speech the abolitionists took great pains to quote against him after the year 1850.[1]

The North undoubtedly gained by the Missouri Compromise; but the weakness of what it gained was that the prohibition of slavery extended only to the Louisiana purchase and did not reach the after-acquired territory of Texas, California, Arizona, New Mexico, Colorado, Nevada, and Utah; and, moreover, the prohibition was contained in a mere act of Congress which could be repealed by any subsequent Congress. Webster in later years became seriously involved in all these consequences. But for the present the Missouri Compromise put the whole slavery trouble at rest for over twenty-five years, and, as some think, gave Clay and others too much confidence in compromises.

There was very little for Webster to do in Congress at this time or for the next seven years; nothing calculated to bring out his best abilities; and if his service in Congress had not extended to the great questions that lay beyond those seven years, it would hardly be necessary to write biographies of him.

It was at this time that he became intimate with William Plumer, a Congressman of cultivation and attainments from New Hampshire; and Plumer gives an interesting account of a moonlight conversation with him.

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[1] Theodore Parker's "Sermon on Death of Webster," p. 36.

"We were walking together one broad moonlight evening, in the grounds around the Capitol at Washington, when he broke out into the most passionate aspirations after glory. Without it life was, he said, not worth possessing. The petty struggles of the day were without interest to him, except as they might furnish the opportunity of saying or doing something which would be remembered in after time. Inquiring my age, and finding that I was some seven years his junior, he said, 'Oh! that I had those seven years, that you have yet to come to reach my present age.' 'I would gladly give them to you,' said I, 'if you would give me what you have done in your last seven.' 'Nothing, nothing,' he exclaimed. 'I have done absolutely nothing. At thirty, Alexander had conquered the world; and I am forty.' 'And at forty,' said I, 'Cæsar had done nothing.' 'Ay,' said he, 'that is better; there is something in that. Cæsar at forty had done nothing: we may say then at forty one may still hope to do great things.' Observing that I smiled at his enthusiasm, he smiled too; and said, 'You laugh at me, Plumer! Your quiet way of looking at things may be the best, after all; but I have sometimes such glorious dreams! And sometimes, too, I half believe that they will one day wake into glorious realities.' We walked on, in silence, for some time together, he musing on schemes of ambition and labor of immortality; I, on the duties of a humbler but not unhappy life." (Webster, Works, National Edition, vol. xvii, p. 560.)

Soon after his entering Congress at this time, he found a subject that raised some of the never-ending problems of human liberty well suited to lawyer-like eloquence. The Greeks were in the midst of their war for independence against the Turks. They were a small people against a powerful military and despotic oppressor; the issue was doubtful; the heroism of their struggle, their wonderful past, all that they had done for human liberty in the ancient world, for art, for literature, for the revival of learning and freedom in the Reformation, appealed to a certain class of minds who were ready to give them sympathy and assistance whether they lost or won. But to other minds it seemed bad policy to favor an unimportant people who might be unsuccessful, who, indeed, probably would be unsuccessful. To favor such a people might involve America

in war or in the complicated diplomacy of the European nations, and was at best a mere literary sentiment, a fanciful, impractical sympathy that should be left to individual indulgence and not risked by serious statesmen in the halls of Congress.

Nevertheless, President Monroe in his message had favored the Greeks, had expressed the belief that they would gain their independence, and wished them success. So Webster introduced a simple resolution urging that an agent or commissioner be sent to Greece whenever the President deemed it expedient; and on this resolution he made a speech, published in his works, and greatly admired in its day. It was reprinted wherever the English language was spoken, translated into Greek, Spanish, and, indeed, all the languages of Europe and circulated in South America. The message of the President and speeches by Webster and Clay were the first conspicuous and able official expression of sympathy from any nation, and there is every reason to believe that Webster's words must have contributed to the creation throughout the civilized world of that favorable feeling towards Greece which had not a little to do with her ultimate success.

The people who crowded to hear him on the day he spoke were, it is said, rather in expectation of some very violent oratory on liberty or a move on the political chessboard. But instead of what might be called a regulation popular outburst, they listened to a learned and subdued, but well sustained, attack on the principles of the "Holy Alliance," which, since the fall of Napoleon, had undertaken to so regulate the affairs of Europe that there should be no more unruly outburst of Republicanism or overthrows of monarchical rule. Webster analyzed the congresses, the leagues, and the understandings of the nations of the Alliance—Austria, Prussia, and Russia—and ridiculed their foundation principle that the nations of Europe have a right to interfere and suppress a people who attempt to throw

off the government that is over them. Thus he made his speech much wider than the cause of the Greeks; and, in fact, it was an eloquent essay on the political situation in Europe.

Fifteen years before the delivery of this speech, Napoleon and France had been contending for the very doctrine which Webster now advocated, namely, that it was contrary to public international law and civilized policy for any nation, or set of nations, to deny to another nation its right to govern itself and adopt republicanism or monarchy as it pleased. For twenty years France had contended that if her people chose to abolish their old monarchy and have in its place semi-republicanism, a consulate, an emperor, or, if you please, Napoleonism, it was an affair entirely of the French people, a sacred right in which other nations must not interfere. The other nations had denied this right, had declared the old monarchy of France the only sacred right, the only real legitimacy; and they fought for twenty years, and slaughtered millions of men until they had destroyed Napoleon's power and restored the old French monarchy.

Nothing shows more clearly that the terrible stress of the old Napoleonic situation was passing away and that natural liberals were gradually returning to liberal ideas than this speech of Webster, in which he formally comes over to what had been part of the French and Napoleonic cause. Ten or fifteen years before the struggle of France and Napoleon to defend themselves had been so terrific, their conquests had been so extended, they had involved and injured the interests of so many other nations, they had gone to such extremes and threatened such an unbalancing of old conditions, that many natural liberals had for the time become tories and hardly dared be anything else.

Perhaps the part of his Greek speech best to quote as a specimen of Webster's style and manner at this time is one of the opening passages:

"We must, indeed, fly beyond the civilized world; we must pass the dominion of law and the boundaries of knowledge; we must more especially withdraw ourselves from this place, and the scenes and objects which here surround us,—if we would separate ourselves entirely from the influence of all those memorials of herself which ancient Greece has transmitted for the admiration and the benefit of mankind. This free form of government, this popular assembly, the common council held for the common good—where have we contemplated its earliest models? This practice of free debate and public discussion, the contest of mind with mind, and that popular eloquence which, if it were here, on a subject like this, would move the stones of the Capitol,—whose was the language in which all these were first exhibited? Even the edifice in which we assemble, these proportioned columns, this ornamented architecture, all remind us that Greece has existed, and that we like the rest of mankind are greatly her debtors."

Webster always liked his Greek speech, and some six or seven years afterwards wrote of it, "I think I am more fond of this child than any of the family." It was probably his love of culture and classical scholarship that made him fond of it. His detailed exposure of the devious ways of the Holy Alliance seems now a trifle tiresome, because the occasion for it has long since passed away. But his descriptions of the spirit of the old Greeks, the heroes of Thermopylæ rising again after two thousand years to expel the Turk and the Tartar with the same desperate valor with which they had expelled the barbaric Persian, will probably remain fresh for us for many years to come.

In his speech in support of Webster's resolution on Greek independence Henry Clay, in a somewhat patronizing manner, had said that the measure was not to be condemned because Webster was or had been a Federalist; it was no doubt bad enough to be a Federalist; but the author of the resolution was nevertheless a worthy man. He had previously told Webster what he intended to say; that he was willing to do what he could to remove the prejudice against Federalists, especially in this case. Webster, in relating this interview, said that he was inclined to doubt whether Clay's motive

was altogether friendly; by which he seems to have meant that Clay may have intended to injure Webster politically by calling attention to his Federalism and dwelling upon it. The incident is important as showing not only how seriously discredited Federalism was, but how serious a handicap to Webster was his former indulgence in it. He never could shake it off; and in after years it prevented his nomination for the Presidency.[2]

The Greek speech was in January, 1824; and soon afterward that most troublesome of all American questions, a tariff bill, came before the House. A tariff bill had, as we have seen, been passed, under the leadership of Calhoun, in 1816, and had given a certain amount of protection to domestic industries, especially cotton and wool manufacturing. Those industries had started up during the War of 1812 when Orders in Council, French Decrees, and American embargoes had driven so many of our people and so much of our capital out of ocean commerce and ship-owning. But the protection of the Tariff Act of 1816 seemed to be hardly enough. Our new industries found it hard to compete with the old establishments of Europe, and the new bill of 1824, promoted chiefly by Henry Clay, was much more protective.

It was at this time that Clay made his tariff speech; the most elaborate of his life, in which, by frequently calling the new tariff the American system, he gave that name to protection, and he himself became known as the Father of Protection to American Industries. He had spoken before on the subject, notably on the bill of 1820, which failed to pass; and he was a master of the whole question. As his speech has been called the foundation of the system, and, though often referred to, is little known, it may be well to summarize its essential principles.

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[2] Webster, Works, National Edition, vol. xvii, p. 551.

1. The general distress in every part of the union; diminished exports, unthreshed crops, bankruptcies, and extreme scarcity of money, have been caused by the downfall of our old commerce and navigation, which had been in a measure artificial and accidental, built up on the accident of nearly thirty years of war in Europe, which prevented the European nations from attending to their own commercial interests. Europe is now tranquil, competing naturally with us, and we are the losers.

2. The object of the new tariff bill is, therefore, to create a home market for our people by cutting off the import of foreign manufactured goods, just as Great Britain has prohibited the importation of supplies which her own people can produce. Our exportation of Indian corn, pork, etc., has fallen off in recent years by millions of bushels and millions of barrels.

3. Numerous and variegated industries increase a nation's wealth. A nation restricted to one or a few industries will always remain comparatively poor. It has always been the policy of England, and the other European nations, to confine us, if possible, to the mere production of raw materials so that we would buy manufactured articles from Europe.

4. Great Britain, by a long continued system of protection, attained to that vast wealth which enabled her to carry through the Napoleonic wars by subsidizing as allies Austria, Prussia, and Russia. "Self-poised, resting upon her own internal resources, possessing a home market, carefully cherished and guarded, she is ever prepared for any emergency."

5. The Southern States are not by their circumstances necessarily excluded from manufacturing. They are disqualified only from certain branches of it.

6. A protective tariff will not diminish our exports, our navigation or our foreign commerce; for whatever augments the wealth of a nation must increase its capacity to make the exchanges of commerce. We must protect ourselves as other nations have done against the overwhelming influence of foreign competition.

7. A protective tariff will not necessarily diminish the public revenue, by too great restriction of importation. That is a question for experiment and adjustment. "Such is the elastic and accumulating nature of our public resources, from the silent augmentation of our population, that if, in any given state of the public revenue, we throw ourselves upon a couch and go to sleep, we may, after a short time, awake with an ability abundantly increased to redeem any reasonable amount of public debt with which we may happen to be burdened."

8. Free trade and the so-called natural growth of industries would afford, perhaps, an admirable system if all nations would agree to it. But so long as individual nations seize their opportunities to protect their own industries and peoples, and try to injure or absorb the trade of other nations, free trade must be either adopted or rejected as suits the circumstances of each nation. England has long lived under the most elaborate and complete system of protection. Let us imitate her example, let our industries be protected as England's are, "and we shall then be ready, as England now is said to be, to put aside protection, and enter upon the freest exchanges."

9. Manufacturing may tend to accumulation of capital in a few hands; but so has planting in our Southern States; and our past success in ship-owning and commerce created nabobs of the North.

10. A protective tariff is constitutional under that clause of the Constitution which gives Congress power to regulate commerce with foreign nations.

11. Varied domestic industries are a vast advantage in war, enabling a nation to live upon itself. We learned the need of them in 1812.

12. One of the strongest arguments for protection is the wonderful success of Napoleon in building up by its means the industry, the finances and the power of France, which enabled her to contend for nearly twenty years against the combined attacks of all the other nations of Europe.

Clay was an admirer of Napoleon, quoted many of his keen, trenchant opinions, and enlarged with statistics and full details on all the points that have been just enumerated. England had not then changed to free trade, although the first symptoms of the coming change were in evidence. The history of the world for the past two hundred years undoubtedly showed a strong consensus of opinion among all European nations in favor of protection.

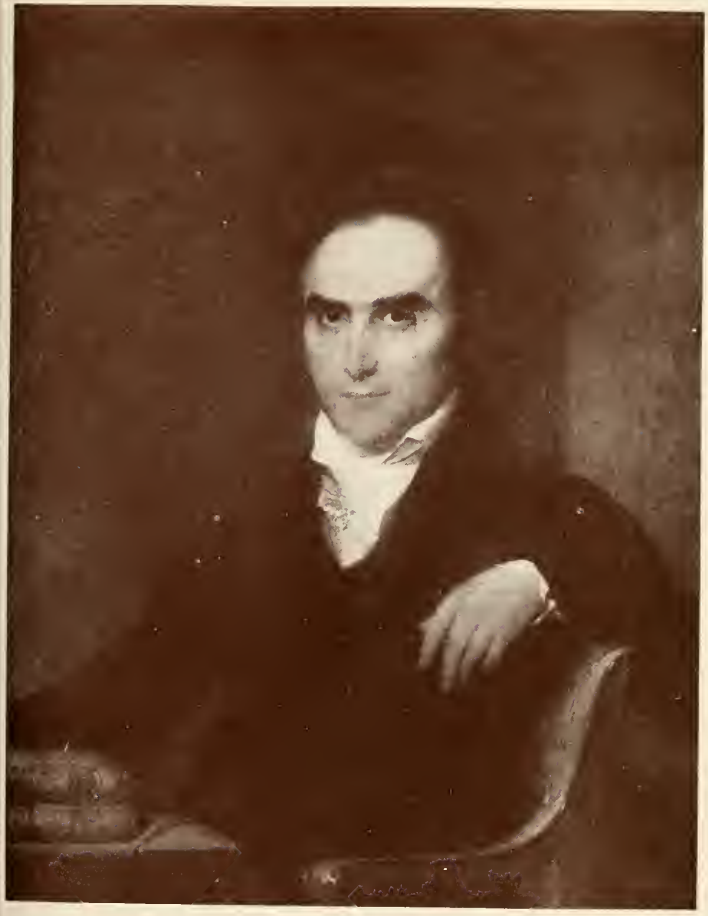
Webster replied to Clay in a notable speech, often quoted against him in later years, when, like most people in New England, he became a protectionist. In 1824, however, he was in the position of representing a community which was both commercial and manufacturing; in some respects decidedly opposed to a protective tariff, in other respects in its favor. As representing ship-owners and merchants, his argument against the

tariff was a sound and valid one, because the tariff taxed heavily the materials out of which ships were built; and to this day there are comparatively few who will deny that protection has depressed our merchant marine. Webster pleaded eloquently for it; and cited the well-known policy of the English nation which, before all things, encourages its ships on the ground that the first and best of all manufactures is the manufacture of ships.

He was willing to have moderate protection, but it must not be carried to an extreme. The act of 1816 was good enough; and he made a protest, which is again raised in our own time by President Taft, against passing at one time and in one bill a complicated mass of tariff provisions which convulse the country and which hardly any one person can entirely approve or disapprove. It would be better to alter and amend the tariff a little at a time as real necessity should from time to time prove the need of it. There were some things in this bill of 1824 that he approved, and yet on the whole he would be compelled to vote against it.

One of the most important parts of his speech was the denial that there was such distress in the country as Clay had represented. Webster described New England as quite prosperous. There had been times, it is true, when there had been greater activity, especially of a speculative nature. Profits were indeed now low in certain pursuits of life, like shipping, "which it is not proposed to benefit but to burden by this bill." But there was nothing that could be called distress or suffering. The means of subsistence were abundant, wages were high, large sums were being expended for improvements for roads, bridges, education and charity. The only places where there was anything like the real distress described by Clay were localities where the issue of paper money had been excessive.

Descriptions of so-called business distress are notoriously unreliable. People who testify on the subject



PORTRAIT OF WEBSTER BY STUART
In the possession of G. F. Williams, Esq.

mean different things by the words they use. They may mean by distress, not making as much money as they would like to make, or as much as they once made. Sometimes it is the speculative class alone who testify. The advocates of protection are singularly unreliable in such testimony. The degradation, retrogression, misery and starvation of low tariff times and the bounding prosperity of high tariff times are painted in very vivid colors; but their advocates would have great difficulty in proving the truth of either extreme.

Webster's remedy for any evils that existed was to go cautiously, make sure of the fitness and aptitude of any new measures, and largely let things alone, especially commerce and navigation.

"If anything should strike us with astonishment, it is that the navigation of the United States should sustain itself. Without any government protection whatever, it goes abroad to challenge competition with the whole world; and, in spite of all obstacles, it has yet been able to maintain eight hundred thousand tons of shipping in the employment of foreign trade. How, sir, do the ship owners and navigators accomplish this? How is it that they are able to meet, and in some measure overcome, universal competition? It is not, sir, by protection and bounties, but by unwearied exertion, by extreme economy, by unshaken perseverance, by that manly and resolute spirit which relies on itself to protect itself. These causes alone enable American ships still to keep their element, and show the flag of their country in distant seas."

He protested again against the passage of such a long and complicated bill at one vote, when it was by no means clear what effect many of its provisions would have. He was in favor of domestic industry; so was everybody. But agriculture, commerce and navigation were as much domestic industry as manufacturing. "Why should we place ourselves in a condition where we cannot give every measure, that is distinct and separate in itself, a separate and distinct consideration?" He was not yet broken in to our lumping method of tariff legislation, everything hotchpotch to-

gether, the understood, the misunderstood, and the not understood.

The greater part of his speech has been usually considered an out and out free trade argument, and as such has been greatly admired. It was of this speech that Hayne said, in 1830, "Like a mighty giant he bore away upon his shoulders the pillars of the temple of error and delusion, escaping himself unhurt, and leaving his adversaries overwhelmed in its ruins."

He quoted a good deal from English public men—Huskisson, Lord Lansdowne, Lord Ellenborough, and Lord Liverpool—who were starting the free trade movement which fifteen or twenty years afterwards appeared in full flower. Webster declared that England was on the eve of adopting free trade, that her greatness and power were not due to her protective system, but in spite of it; and that this was the opinion of her public men. Her prohibitive and monopoly system was still allowed to remain because it had existed so long that great injury to individuals would follow the taking of it off; and this would be our experience if we carried protection to an extreme. This was his reason some years afterwards for voting in favor of the tariff bill of 1828, which gave increased protection to the woollen industry. That industry, he argued, having been started by protection in 1824 and large capital invested in it, must be protected by further increase of duties in 1828, because its invested capital and existence were endangered by changed conditions in European trade. That is the difficulty with a protective tariff. Once started, where will you stop?

Like all minute and exhaustive arguments on the subject Webster's conclusion was that a nation might be very prosperous under protection and also very prosperous under free trade. The Englishmen admitted this. Free trade, the unrestricted exchange of commodities of varying climates and nations, was the ideal; but it could not always be carried out, because the

nations would not agree to let it alone. One would see an advantage to be gained over a rival by protection. Another would wish to pass from the condition of a mere producer of raw material to the more distinguished position of varied manufacturing and make the change by the quick process of a protective tariff. Free trade would be the best if you could have it, and you should keep as close to it as possible, was Webster's doctrine.

"I think freedom of trade to be the general principle and restriction the exception. And it is for any State, taking into view its own condition, to judge of the propriety, in any case, of making an exception, constantly preferring, as I think all wise governments will, not to depart without urgent reasons from the general rule."

Perhaps the nations at the time of our colonial period had the shrewdest understanding of the subject. They were pretty much all protective; but some of them would at the same time allow complete free trade at one port in one of their colonies so as to reap the advantages of both policies.

Much trouble and confusion usually arises from the attempt to state one side or the other as an absolute truth, an unchangeable principle, something that can be settled by science or mathematics. But the whole matter, like many others in so-called political economy, is and always has been a mere question of policy, a mere question of local conditions, or, if you please, pure opportunism; and it will never be anything else.

For political economy as a pretended exact science and as taught in professional books Webster always had a supreme contempt; and of this his opponents complained. He was not, they said, "a scientific legislator;" and he certainly never professed to be.

"'Though I like the investigation of particular questions,' he said, 'I give up what is called "the science of political economy." There is no such science. There are no rules on these subjects so fixed and invariable as that their aggregate

constitutes a science. I believe I have recently run over twenty volumes, from Adam Smith to Professor Dew of Virginia, and from the whole, if I were to pick out with one hand all the mere truisms, and with the other all the doubtful propositions, little would be left.'" (Correspondence, vol. i, p. 501.)

Having laid down the true principle of the relations between protection and free trade, the remainder of Webster's efforts was directed to showing that the tariff of 1816 had gone far enough in the direction of protection, and that most of this bill of 1824 was unnecessary or injurious. The shipping interest was already taxed. This bill would increase the tax nearly fifty per cent. The disasters in the iron business were mentioned as reasons for protecting the iron industry; but the disasters of commerce were narrated to show that it should be abandoned and its capital turned to other objects. In fact the American people had made up their minds that our merchant marine should be sacrificed; and yet, strange to say, it was strong enough to survive all taxes and restrictions and flourish until the time of the Civil War.

The increased duty on glass was about the only one he favored. But we cannot here follow out his details, instructive though they would be. There are few textbooks or treatises from which so much enlightening information can be obtained, not only on trade but on national currency and finance, as in the speeches of Daniel Webster and Henry Clay.

The two men were curiously alike, usually in accord in their opinions, evenly matched in reasoning power on most subjects, but of course on great questions of constitutional law and in permanence of literary merit and wealth of illustration Webster was by far the superior. Plumer, who often listened to them, said that "Webster has greater power of reasoning and less native eloquence than the great western orator. Webster acts directly on the understanding; Clay on the under-

standing through the passions." Yet Clay's rousing of the passions was more by his manner than his words. He had less imagination than Webster; and, of course, as Plumer also says, less acquired knowledge, less taste, and fewer attainments in law and in political science. Clay, as Webster once said of him, never browsed in a library. His leisure was more given to social excitement, and his great love of conversation and pleasing. Webster, on the other hand, was a great browser. He could forget law and politics, and even his pet oxen and shotguns, and spend a whole day or days in taking down volume after volume, seizing tufts and fragments of the choice thoughts of the world, to store away and grind into the texture of his mind. It is a wholesome process that has nourished many a strong intellect.[3]

Nevertheless, Clay's speeches are fine products of intellect; historically invaluable; full of the vivacity and geniality of the popular Harry of the West. His famous arraignment of General Jackson is a masterpiece of sarcasm and contempt; and he often made up for limited range and a less richly stored mind by conciseness and extreme closeness to the point. In fact, if we were making Webster over again, and prepared to interfere with the decrees of Providence, it might possibly be well to put in a drop or two of conciseness. But then Webster would say, as he actually did, that the strength of his method lay in the abundance of his illustrations, in repeating a thought in such various and enticing forms that the hearer could not escape from it.

So he voted against Clay's tariff bill of 1824, which was passed, but with modifications in the Senate which met some of his objections; and these modifications Plumer thinks were largely due to Webster's speech.

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[3] Lanman, Private Life of Webster, p. 130; Harvey's Reminiscences.

"During the greater part of his tariff speech the friends of the bill seemed to feel as if the whole fabric on which they had long labored was tumbling in ruins about their heads; others had spoken well and ingeniously on the subject; some with much knowledge of fact, others with a great display of philosophical principles. Still the system remained unimpaired, or but slightly affected; till Webster, in the pride of conscious power, came into the field, beating down as with a giant's club the whole array of his opponents' force. They never fully recovered from this deadly assault. They indeed carried the bill through the House, though not without material alterations even then; but they wanted strength, when it came back from the Senate, to reject any of the many amendments by which that body had materially changed its most important provisions." (Webster, Works, National Edition, vol. xvi, p. 550.)

Webster had had a modern method of collecting information for his speech. He had obtained fifty copies of the bill and sent them to merchants, manufacturers, farmers, and students requesting their opinions. In this way he obtained a great mass of information from the ablest men. "He offered me this bundle of papers," says Plumer, "out of which half a dozen good speeches might, he said, be made." In the same way no doubt Webster afterwards studied those problems of finance, for the treatment of which he became so famous. He often applied to Judge Story for reasoning, facts and material in both law and politics; and no doubt his remarkable speeches on finance and the functions of money contain the quintessence of the best thought of the best bankers of the country.

While in the midst of his tariff speech a note was handed to him saying that the case of Gibbons *vs.* Ogden would be called for argument the next day in the Supreme Court. He was astonished, for he had supposed that he had nearly two weeks to prepare himself for that famous case. He closed his tariff speech as soon as he could, and hurried to his house. He had been up before daylight that morning to prepare himself for the

tariff debate, and now instead of dining, he took a dose of medicine and went to bed.

"At ten P.M. he awoke, called for a bowl of tea, and without other refreshment went immediately to work. To use his own phrase, 'the tapes had not been off his papers for more than a year.' He worked all night, and, as he has told me more than once, he thought he never on any occasion had so completely the free use of his faculties. He hardly felt that he had bodily organs, so entirely had the fasting and the medicine done their work. At nine A.M., after eleven hours of continuous intellectual effort, his brief was completed. He sent for the barber and was shaved; he took a very light breakfast of tea and crackers; he looked over his papers to see that they were all in order, and tied them up—he read the morning journals to amuse and change his thoughts, and then he went into court and made that argument, which, as Judge Wayne said about twenty years afterward, 'released every creek and river, every lake and harbor in our country from the interference of monopolies.'" (Ticknor's Reminiscences in Curtis's Life of Webster, vol. i, p. 217.)

For thirty-six hours he had been nearly all the time in high excitement, had performed intellectual labor far beyond the powers of most men, and had had scarcely half a meal. It was a magnificent instance of living on reserve force. The advocates of an empty stomach for intellectual labor no doubt consider it a valuable instance for their theory; but they would have to be careful how they apply it to ordinary mortals. Every man of high achievement, or, indeed, of ordinary achievement, has usually worked out a method of putting himself in condition for his daily work or for some extraordinary effort. With some it is beefsteaks, with others fasting; with some exercise, with others none. No general rule can be drawn; and even physicians confess their inability to go beyond particular instances.

This case of Gibbons *vs.* Ogden, which Webster was so suddenly called to, was one of those momentous litigations of that time which reached to the roots of the Constitution and have made the government of the

United States what it now is. It was another discipline and training for him in constitutional interpretation; another profound experience like the Dartmouth College case; and it was these opportunities that were building him up into what is now seen to have been the mission of his life. Other lawyers were in these cases; had the same opportunities; but they had not the natural reasoning power and aptitude of language that could be developed to the height Webster attained.

In the case of Gibbons *vs.* Ogden, the Legislature of New York had granted to Fulton and Livingston the exclusive steamboat navigation of all waters within the jurisdiction of that State for a term of years. They had obtained an injunction against a steamboat which ran between the city of New York and Elizabethtown, in New Jersey, for an infringement of their monopoly, and the question was whether this vessel, which navigated the waters of both New York and New Jersey, was within the jurisdiction of Congress, which by the Constitution is given power to regulate commerce between the States. Even if New York could grant a monopoly of navigation of its own waters, could such a monopoly restrain a vessel engaged in interstate commerce? The courts of New York, including its court of last resort, had sustained the injunction and had decided that the grant of monopoly was no infringement of the right of Congress to regulate commerce between the States.

This was probably the most far-reaching decision on the side of monopoly that has ever been made in this country. It in effect allowed every State to interfere with and cut up the navigable waters of the Union that happened to run through its territory in a way that would have made the free and unrestricted navigation of our time an impossibility. It was a virtual dissolution of the Union, at least in a commercial sense. But only a few minds realized this. Most people had

not then been educated up to a full understanding of all the phases the subject could assume.

We have since then had vast struggles with monopolies, and we are still in the midst of them. But when the Supreme Court at Washington reversed the decision of the New York court of last resort in Gibbons *vs.* Ogden, it undoubtedly cut off a stupendous source of one of the worst kinds of monopoly of which it is possible to conceive. The Supreme Court held that the navigable waters of the country are under the exclusive control of the Union and of Congress; no State can monopolize even that portion of them which lies within her borders. The jurisdiction of Congress over them is exclusive and not concurrently in Congress and the States.

Possibly the National Supreme Court would have taken this broad view of its own accord, no matter what lawyer had argued against the monopoly. But as Webster was the lawyer on whom the task fell, he has been usually regarded as having won for us this most important safeguard of the stability of the American Union. His argument involved an exhaustive investigation of the history and nature of the power of Congress over commerce. This was in many respects the most important power under the Constitution; it was concerned with the subject which had led to the adoption of the Constitution; for it was the confusion of commercial regulations by the States and the difficulty, if not the impossibility, of dealing with them which led to the calling of the convention of 1787. Webster's reasoning on the question, as we read it in his published works, would be hard to excel; it made the decision of the New York court, though an ably worded one, seem like rank absurdity.

About three years afterwards he argued another famous case, Ogden *vs.* Saunders, raising the question whether a State Legislature could pass a bankruptcy

act discharging a debtor from his obligations without violating the provision of the National Constitution, that no State can pass an act impairing the obligation of a contract. Webster had the side against the State and established the now long accepted doctrine that only Congress can pass a bankruptcy act.

These three cases between 1818 and 1827—the Dartmouth College case, Gibbons *vs.* Ogden, and Ogden *vs.* Saunders—not to mention minor ones, took Webster through an experience of constitutional investigation and reasoning to which his powerful mind responded in a marvellous degree. It is doubtful if there was another mind in the country that could have so responded. When we add to it his experience in the Massachusetts Constitutional Convention, and in Congress, we can understand better his fame from the replies to Hayne and Calhoun and how he became known as the defender of the Union and the expounder of American principles of government.

VII

FIELD SPORTS—DISCOVERY OF MARSHFIELD—VISIT TO JEFFERSON—LOSS OF HIS SON

Webster was much exhausted by his labors in Congress and the Supreme Court in that winter and spring of 1824. He had grown thin and emaciated.

"We have had a busy time of it," he writes to Judge Story, "since you left us. For myself I am exhausted. When I look in the glass I think of our old New England saying, 'as thin as a shad.' I have not vigor enough left, either mental or physical, to try an action for assault and battery."

The redgods were calling him and he was longing for his rod and gun. In moving from the interior of New Hampshire to the seacoast he had added largely to his tastes for sports afield. He had learned about the wild fowl, the fascination of beach bird shooting, the plover, the calico birds, the yellow legs, the curlew, and the snipe. He had a crony in Boston, Mr. George Blake, the United States District Attorney, from whose clutches, it is said, criminals had sometimes escaped because their prosecutor was more busy with thoughts afield than in preparing for their conviction. So Webster writes to him for sympathy, says he is not so reduced but that he could walk with a bit of iron on his shoulder, and asks if Mr. Blake is ever found driving with an umbrella in his chaise.

Umbrella was the name given by Blake to his shotgun when in its case; for lawyers of a sporting turn have to resort to many legal fictions in a community which regards them as fit only for hard work. The story is told of a rather distinguished lawyer who had an unrestrainable fancy for baseball matches, and used

habitually to leave word with his clerks on such occasions that he had gone to argue a case in the Supreme Court of New Jersey.

Webster's high reputation enabled him to be a little bolder. He developed himself in the sporting world, as years and his widening acquaintance gave him opportunity, until it was a well-recognized part of his character and part of his popularity with the public. To the end of his life he would often spend an evening of most absorbed happiness in very unnecessary cleaning and tinkering of his guns. He had pet names for them arising from their qualities or circumstances. One was Mrs. Patrick, another Learned Selden, and one, of all things in the world, Wilmot Proviso.[1]

It is, no doubt, a reversion to the old type of the race, this fascination for hunting, this joy in the very sight of the weapons, which even the most artificially civilized person feels at times so strongly that his occupation at his roll-top desk seems as if it were after all a waste of time and not a man's work. And then all the world loves a hunter; he makes almost as strong an appeal to the popular imagination as the soldier. For so many thousand years we lived that life, we came home empty-handed to meet the disappointed looks of the women and children, and spend a cold and cheerless evening in the cave; or we came home staggering under our burden and threw it down before the cave, and all was joy and shouts of laughter, and we were the great man, the only sort of great man the swarming little ones and the women knew; and the fires were soon burning and the feast was prepared; and all the next day we rested in the sweet repose of tired health, dreaming over again that ennobling struggle with nature's forces of the day before. There were so many hundred thousand years of this that it will take several hundred thousand more of spiritually minded civilization to kill that old fire in our blood.

[1] Harvey, Reminiscences, p. 283.

Webster was fond of duck shooting, and added deer hunting to his amusements. A pair of the now extinct species of Labrador ducks was shot by him in Vineyard Island off the coast of Massachusetts, and sent to Audubon, the naturalist, who had never before seen this species. Audubon's drawing was made from the two sent to him by Webster, and they are now in the collection of the National Museum at Washington.[2]

He may possibly have reached the real height of sport, the shooting of quail, and the ruffed grouse of New England, and the prairie chickens of the West over pointers and setters. That phase of human happiness is supposed to have been little known to New Englanders in his time. It was the southern planter and the Pennsylvanians and New Yorkers who imported the finest strains of bird dogs and the most expensive shotguns in the period before the Civil War. At least, so we are informed by Mr. Wise in his "History of the Pointer in America," and being both a southerner and a northerner he ought to know.

In both Lanman's and Lyman's reminiscences there are references to quail being rather numerous about Marshfield, but I have been unable to find any very positive evidence of Webster being much interested in this sort of sport. There is a sentence in one of his letters written in August, 1846, to his man at Marshfield, which, at first, seems to imply that he was a wing shot over dogs. "If not done already," he writes, "I wish you to put the *curlew* all right and make that *dog* point better." The curlew was one of his sailboats, and making that *dog* point better, may have referred to getting the boat to point closer to the wind. Lyman, however, in describing his visit says, "He offered me Rachel, a favorite setter, which he brought from England, and the services of an attendant, if I chose to go out and shoot quails, with one restriction, however, that several broods

[2] Elliott's Wild Fowl of North America, p. 172.

of these birds had been reared during the season in the gardens and grounds near the house; that these belonged to the family, and were not to be destroyed.[3]

He was very fond of trout fishing, and made a close study of its details, lines, hooks; and his favorite rod he named Old Killall. Here is one of his trout letters from Sandwich, on Cape Cod:

Dear Sir: I send you eight or nine trout, which I took yesterday, in that chief of all brooks Mashpee. I made a long day of it and with good success, for me. John was with me, full of good advice, but did not fish nor carry a rod.

I took 26 trout, all weighing 17 pounds 12 ounces.

The largest (you have him) weighed at Crocker's ..... 2 pounds 8 ounces
The five largest ..... 8 pounds 5 ounces
The eight largest ..... 11 pounds 8 ounces

I got them by following your advice; that is, by *careful* and *thorough* fishing of the difficult places which others do not so fish. (Works, National Edition, vol. xvi, p. 677.)

The letter goes on with details of methods, hooks, and sly jokes on his friends, entirely too long to quote. He laid out the summer of 1824 to be spent in complete recreation.

"The ensuing summer," he wrote to his brother, "I shall do nothing but move about and play. I shall certainly spend a fortnight with you at Boscawen, and the rest you may spend with us. August we will pass together on Cape Cod. My wife wants some one to ride about with her, while I am shooting."

They went to Sandwich, on Cape Cod, in summer, he elsewhere says, from 1820 to 1827.[4] As he and his wife were driving back to Boston at the close of the summer of 1824 in a New England chaise, they followed the shore road, and when thirty-four miles from Boston were about passing by the farm overlooking the sea in Marshfield Township, which afterwards became so inti-

[3] Works, National Ed., vol. xvi, p. 465; Lyman's Memorials, vol. ii, pp. 96, 105.

[4] Works, National Edition, vol. xiii, p. 551.

mately associated with Webster's name. The farm was the property of Captain John Thomas, whose ancestor in Revolutionary times had been a loyalist and fled to Nova Scotia. The land of the farm was about one hundred and sixty acres, not fertile, but beautifully situated between the hills and the marshes inside the sea beach. Mrs. Webster was the first to be attracted by the extreme beauty of the spot, and she urged her husband to turn in at the gate and pay a visit to the family.[5] The visit was so mutually agreeable that the Thomases persuaded them to remain for several days; and for many summers after that they spent part of their holiday at the Thomas house, no doubt staying longer after 1827, when they gave up Sandwich, until at last they bought the Thomas place, adding to it hundreds of surrounding acres, and made it their home. It became typical of the great statesman, the resort of his friends and admirers all his life, and still the resort of pilgrims.

When he was re-elected to Congress in the autumn of 1824 by a good majority and returned to Washington, Webster went with Mr. and Mrs. Ticknor on a visit to Jefferson and Madison, at their plantations in Virginia. Both of these elderly men had formed a high opinion of Webster and were glad to see him. The visit was in some respects a step back into the past, and a glimpse of the old life of cultivation, books, and ease which had been led by prominent people on their great isolated estates, the remains of the old colonial aristocracy that had made the Revolution and the National Government possible and was now slowly giving place to the new type of modern times.

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[5] Harvey, in his Reminiscences, p. 265, says that Webster, finding the game growing scarce at Sandwich on Cope Cod, had been recommended to the farm of Captain Thomas as a place affording good sport; that Webster was intending to visit it on this drive home, and that Mrs. Webster, when attracted by the beauty of the place, was not aware that it was the farm they were seeking.

In this respect Mr. Ticknor's account of the excursion is of permanent value; but too long to quote. They travelled by wagon over the rough roads and in the rattling tumble-down vehicles which have been found in the southern country ever since. They rode on horseback when staying with their hosts, wondering at the scarceness of the population and the cheerlessness of everything off the great plantations that were well kept up.

"We rode through woods and across fields, Mr. Webster making himself merry as he had the day before with wondering where 'Phil. Barbour's constituents could be,' for this was Mr. Philip Barbour's district. Before we returned, however, we made a visit to Mrs. Barbour, to whom Mr. Webster gave an account of her husband, whom he had left in Washington, which visibly interested her." (Curtis, vol. i, p. 223.)

Webster had long talks with both the distinguished veterans on the old Congress and the Revolution, and no doubt, filled his mind with valuable constitutional lore from Madison. Jefferson was then eighty-one years old, but rode on horseback every day in fine weather, and was busy superintending the building of the University of Virginia which he had founded. Webster and the Ticknors, on the way home, wrote out their recollection of a great deal Jefferson had said about the Revolution and its characters, but, being rather against the popular view, it has not been much used by historians.

A couple of extracts from Webster's letters to the Ticknors must be given to show his intimacy with them and the sort of man he had become.

"I find that you are really gone; and if I could tell you how sorry I am I would. I passed the house yesterday, and gave a look to the windows, but saw no inviting faces. . . .

"If my constituents accuse me of negligence and inattention this session, I shall lay it all off on Mrs. Ticknor. She had no right, I shall say, to be so agreeable as to draw my attention from the mighty affairs of state while she was here, and to create depression or a kind of I-am-not-quite-ready-to-

go-to-work feeling by her departure. What will State Street say to it, think you, if its affairs should be neglected, although Shakespeare be ever so well read, or all the versions of Sir John Moore's burial revised and corrected?"

"I write this in the House, while Mr. Clay is speaking on the Cumberland Road. The ladies are all present, inside the House. I have not reviewed them; for I am sure there is none of them that I have lately seen or know, unless it be Mrs. (A. H.) Everett. I see Wallenstein among them, as becomes a diplomatist. Mr. Clay speaks well. I wish you were here to hear him. The highest enjoyment, almost, which I have in life, is in hearing an able argument or speech. The development of mind in those modes is delightful. In books, we see the result of thought and of fancy. In the living speaker, we see the thought itself, as it rises in the speaker's own mind. And his countenance often indicates a perception before it gets upon his tongue." (Curtis, vol. i, pp. 227, 231.)

That same winter Webster lost his son, Charles, in Boston, a child two years old, a sad grief to both parents, and some stanzas of verse which he sent to his wife reveal a side of the great orator's character not often brought to notice.

"The staff on which my years should lean
Is broken ere those years come o'er me;
My funeral rites thou shouldst have seen,
But thou art in the tomb before me.

"Thou rear'st to me no filial stone,
No parent's grave with tears beholdest;
Thou art my ancestor—my son!!
And stand'st in heaven's account the oldest.

"On earth my lot was soonest cast,
Thy generation after mine;
Thou hast thy predecessor passed,
Earlier eternity is thine.

"I should have set before thine eyes
The road to heaven, and showed it clear;
But thou, untaught, springest to the skies,
And leav'st thy teacher lingering here.

"Sweet seraph, I would learn of thee,
And hasten to partake thy bliss!
And, Oh! to thy world welcome me,
As first I welcomed thee to this."

The construction of these verses is reminiscent of Latin and of the English writers that followed such models, and shows how thoroughly Webster had studied and formed himself on those schools. One of Mrs. Webster's letters to her husband at this time gives us a valuable glimpse of her character.

"I have a great desire to write to you, my beloved husband, but I doubt if I can write legibly, as I can hold my pen but in my fingers. I have just received your letter, in answer to William's, which told you that little Charley was no more. I have dreaded the hour which should destroy your hopes, but trust you will not let this event afflict you too much, and that we both shall be able to resign him without a murmur, happy in the reflection that he has returned to his Heavenly Father, pure as I received him. It was an inexpressible consolation to me, when I contemplated him in his sickness, that he had not one regret for the past, nor one dread for the future; he was patient as a lamb during all his sufferings; and they were at last so great, I was happy when they were ended.

"I shall always reflect on his brief life with mournful pleasure, and, I hope, remember with gratitude all the joy he gave me; and it has been great." . . . (Curtis, vol. i, pp. 228, 229.)

VIII

BARGAIN AND CORRUPTION—CRIMES ACT—ENGLISH FRIENDS—BUNKER HILL ADDRESS—NIAGARA —EULOGY ON ADAMS AND JEFFERSON

Politics were not of the usual partisan type in those times. There was no formal nomination of the candidates for the Presidency by party conventions. The curious condition of affairs in this era of good feeling and overwhelming Democratic ascendency is shown by the six names, all of them Democrats, and all of them at first considered as having about equal chances for the Presidency—John Quincy Adams, General Jackson, Calhoun, Clay, Crawford, and Clinton.

The candidacy of Jackson and his increasing popularity were an astonishment to everybody, including himself. It was the first revelation of the passion of our people for a mere soldier candidate and for a certain crude form of democracy and demagogism. Jackson had the very great distinction of conquering the small British force which in the War of 1812 had attempted to take New Orleans. It was a victory over a very incompetent and blundering British general, and the battle had no effect on the war because it was fought after peace had been declared. But these considerations did not in the least dim the glory of it in the popular mind.

He had conducted with eminent success the war upon the Creeks and Cherokees in Alabama and against the Seminoles and Spaniards in Florida. But these wars were against very inferior foes. The Seminoles of Florida numbered only 700 fighting men, and his war against them cost $20,000,000, most of it, of course, squandered, or stolen by agents and officials.[1] The Span-

[1] Works, National Edition, vol. xiii, p. 137.

iards in Florida were so weak and so evidently at the mercy of the United States that Florida was bought from Spain for $5,000,000. These absurdly easy victories were exaggerated by spreadeagleism, until among the masses of our people Napoleon seemed nothing compared with Jackson. He had executed without excuse, as was generally believed, two British subjects, and had acted with such arbitrary violence and intemperate self-will that Henry Clay and other prominent leaders denounced him without measure in Congress; and, while his military success was freely admitted, he was generally regarded by the conservative classes in the Eastern and Middle States as totally unfit by training, temperament, and experience for the Presidency.

He was altogether the most extraordinary man that has ever appeared in American politics. Very tall, over six feet, and holding himself very erect, he was, however, not much thicker than a match. Of not a vigorous constitution, suffering from serious ill health most of his mature life, finally consumptive, supported through one of his military campaigns by his physicians bathing him in lead water every few hours to keep down inflammation, he had, nevertheless, a nervous force and an indomitable spirit that almost set disease at defiance, that drove him into every imaginable enterprise and danger, and to which was added a Scotch-Irish shrewdness that always brought him out safe.

One of his peculiarities was a passion for duels, street fights, and brawls of every description, and these had given him a reputation among the fighting class in the southwest. He loved homicide, and always exhibited on his mantelpiece at the Hermitage, the pistol with which he had killed Mr. Dickinson. To visitors who examined the weapon he frankly told the fact. Besides his numerous duels he had a street fight with Benton and Benton's brother, from which he carried for many years a pistol bullet in his shoulder; and in some of his brawls he boasted of having used sticks and fence rails.

His manners and dress have been described by some of his contemporaries as slovenly and disgusting. He has been described, when President and receiving visitors, as chewing and spitting tobacco, unshaven, and regardless of his clothes, or smoking an enormous pipe. Others have described him as exactly the reverse; punctilious in costume, most agreeable in manner, and capable of entertaining and delightful conversation. The curious part about this is that both sides seem to have told the truth. He could play or pose in any rôle, coarse or refined, and did it repeatedly. In spite of his slovenliness on some occasions there is no doubt that he could dress to perfection; and, of course, if he had not possessed personal attractiveness of some kind he could never have reached the position he attained.

There is, fortunately, an anecdote that shows him in both rôles on the same occasion. When James Buchanan brought to the White House to present to him a very distinguished lady, he found the President alone, his face covered with a bristling beard of several days' growth, in a soiled dressing gown very much the worse for wear, and smoking an old clay pipe. On remonstrating with him, he received for answer: "Buchanan, I knew a man once who succeeded admirably and made a fortune simply by minding his own business." Jackson, however, retired, and soon returned neatly shaven, in faultless attire, and full of courtly dignity. He entered into a most agreeable conversation with the lady, and Buchanan was greatly surprised "when more than an hour had passed and she was still talking with the man she had dreaded to meet as one but little better than a wild-cat." [2]

On another occasion, when about to sit down to dinner, he was telling war stories to some of his old cronies in very unprintable language. His wife, who had recently become religious and joined the church, interrupted him to ask a blessing before dinner; and he

[2] Brady, The True Andrew Jackson, pp. 153–155.

immediately stopped, asked the blessing, and then went on with the unprintable language. In the last years of his life he also experienced a conversion and joined the church. He and his wife, to whom he was most devotedly attached, were not infrequently seen sitting together after dinner, each smoking a long reed pipe.

He had followed farming, store-keeping, saddlery, and various occupations in the southwest, and among them had been a lawyer, but principally on the criminal side of the court. He was very ignorant of law and still more ignorant of finance, business, and government. He was, however, one of the keenest judges of human nature and a most consummate actor of the parts and poses that the politics of that day required. The West and South, and not a few in the North and East, were becoming frantic with enthusiasm for him; and he played them to the top of their bent. It became one of the standing jokes of the time, that if anyone attempted to reason with such people, one of them would shout "Hurrah for Jackson"; then all would throw up their hats, and reasoning would cease. For years after his death there were, it is said, old people in country districts who would still vote for him so as "to make sure they were right."

Webster favored Calhoun, although he and Calhoun in after years were by no means in accord. When he saw that the choice for the Presidency was turning towards either Adams or Jackson, he wrote to his brother Ezekiel in New Hampshire: "I hope all New England will support Mr. Calhoun for the Vice-Presidency. If so, he will probably be chosen, and that will be a great thing. He is a true man, and will do good to the country in that situation."

The Presidential election of that autumn of 1824 resulted in Mr. Calhoun being chosen Vice-President by a large majority of the electors; but in the voting for President, General Jackson had ninety-nine electoral votes, John Quincy Adams eighty-four, Crawford

forty-one, and Clay thirty-seven. None of the candidates having received a majority, the choice had to be decided by the House of Representatives, voting by States, on the three highest candidates—Jackson, Adams, and Crawford. All were Democrats; and the friends of Clay gave their votes to Adams, and elected him.

Before the election was decided in the House of Representatives there were certain contingencies quite obvious to politicians. Clay was out of the contest and could not be voted upon because he had not received enough electoral votes; but he was Speaker of the House, his influence large, and he might have his friends and followers vote for either Adams or Jackson. In short, he and his followers held the balance of power and could elect either of the candidates they chose. They would probably elect Adams, because Clay was opposed to Jackson, believing him purely a military character, and unfit for the Presidency.

If Jackson were elected he might continue Adams in the office of Secretary of State; or he might appoint Clay Secretary of State, especially if Clay helped to elect him. Likewise, if Clay helped to elect Adams, the said Adams might make Clay his secretary. The secretary of stateship at that time usually led to the Presidency; was generally spoken of as the stepping stone to the Presidency.

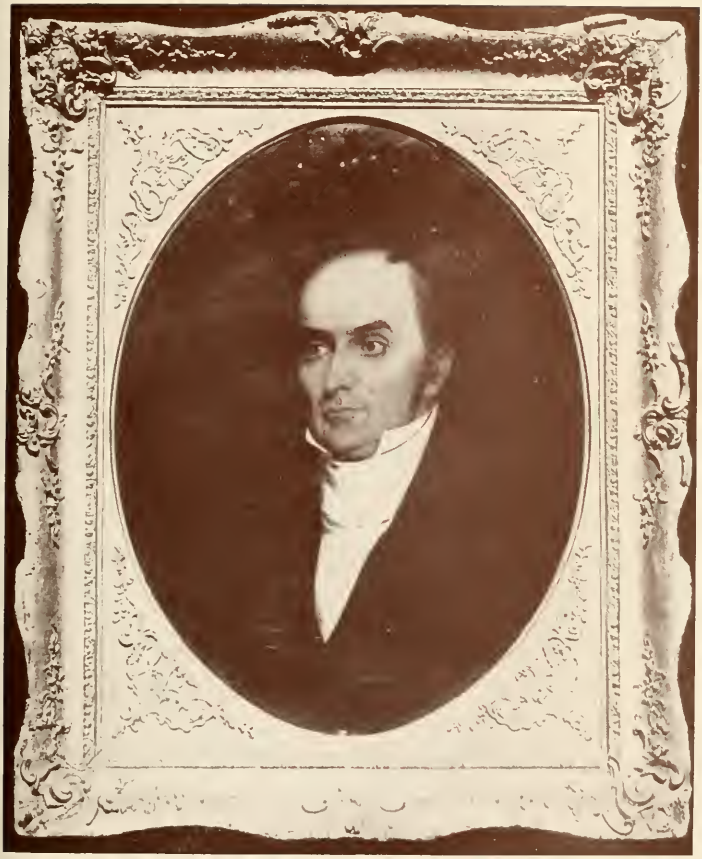
James Buchanan, a friend of Jackson, visited Clay, and in delicate language suggested that Clay would become Secretary of State if he would support Jackson. Clay cut the hint off short by showing that he would have nothing to do with such an arrangement.[3]

On the 28th day of January, 1825, sometime before the election in the House, a letter was published in a Philadelphia newspaper announcing the anonymous writer's suspicions of an infamous plot; that the friends

[3] Colton, Life and Times of Clay, vol. i, p. 418.

of Adams had approached the friends of Clay and offered the secretaryship of state for an election; and the friends of Clay then went to the friends of Jackson and said that if they would offer the same price they would close with them. But the friends of Jackson, being of lofty Roman virtue, rejected with the contempt it deserved the mean offer of "bargain and corruption." Henry Clay and his followers had, therefore, it was understood, gone over to Adams and would secure his election.

This story was spread through all the newspapers, and Clay from his place in Congress openly branded it as a lie, demanded the name of the author, and implied that the controversy had better be settled by a duel. The author disclosed himself, George Kremer, a somewhat eccentric member of Congress, much stared at in Washington for wearing a curious leopard skin overcoat, a man of very moderate ability coming from that part of the population of Pennsylvania known as "the Pennsylvania Dutch." It was soon seen that he had not written the letter of his own motion; he was a mere dupe of the Jackson managers, and not in the class of life with whom men like Clay fought duels. He announced in Congress that he was ready to prove the statements in the letter; and when a committee was appointed, refused to appear before the committee. He admitted in conversation that he did not write the letter; that he had not intended to accuse Mr. Clay of corrupt conduct; was willing to apologize to Mr. Clay; would appeal the whole matter to a higher tribunal than Congress, meaning the people; and in short, jumped about as the Jackson managers pulled the wires. Clay could not fight a duel with such a creature, who, Webster wrote to his brother, was a man "with whom one would think of having a shot about as soon as with your neighbor, Mr. Simeon Atkinson, whom he somewhat resembles." Clay wanted the man who had really written the letter; but he would never disclose himself,



PORTRAIT OF WEBSTER BY HARDING
In the possession of Dr. Guy Hinsdale

though Clay always believed it was Jackson's friend, Senator Eaton, of Tennessee.

The object of the scheme was, of course, to frighten Clay and his friends from voting for Adams; but it had not the slightest effect. They voted for Adams; he was elected; and he made Clay his Secretary of State just as the dupe Kremer had said he would. There Clay seems to have made a mistake. He would have saved himself a world of trouble if he had avoided fulfilling the prophecy of his enemies. But there is very little use of saying that. Having made no arrangement or bargain with Adams, he scorned any precaution, and believed the whole thing would blow over and be forgotten in a year.

It lasted all his life; it may have prevented his attaining the Presidency; he never got through defending himself. Prominent and sensible people of every party, Webster, Adams, Benton, and others declared him innocent, and gladly furnished proof of his innocence; but it was of no use. The Jackson party had a cry, "that bargain corruption to sell the Presidency," and it worked like magic among the masses who at that time were more credulous and more easily trapped by demagoguery and tricks than they have ever been before or since.

Jackson declared the story true and that having the largest electoral vote, and being the favorite of the popular majority, he had been cheated out of the Presidency by Clay's "bargain and corruption." Called upon by Clay for proof, he said that Buchanan had told him so. Buchanan, then obliged to come forward, explained that in a conversation with General Jackson he told the General of a report that if elected he would appoint Adams as his Secretary of State; that the report was injurious, and, if untrue, should be contradicted; and that the General then contradicted it and said that he had never intimated whom he would appoint, and if elected intended to go into office untrammelled by promises.

This was a denial of Jackson's statement, and was supposed to be a severe blow to him. But nothing was ever a blow to Jackson that did not kill him. He afterwards, in a somewhat equivocal way, denied the truth of Buchanan's words, and declared that Buchanan had wanted him to say that he would appoint Clay Secretary of State.[4]

Buchanan, it will be remembered, had gone to Clay in the beginning and offered him the Secretaryship of State if he would support Jackson. Clay, smarting under unjust accusation, was on the point several times of making public this attempt. Buchanan always begged him not to do it; said it would ruin him; and Clay, with characteristic generosity, refrained; but communicated it to his biographer, Colton.

The episode is discreditable, but its details must be understood, because it had a vast influence in the politics of the next twenty-five years. It was one of the most extraordinarily powerful political cries that have ever been known. It could be applied to all sorts of purposes and persons far beyond its original application; and in the Great Debate of 1830, Hayne attempted to involve Webster in it.

At the time of the election of Adams in Congress, Webster had been somewhat doubtful how he should vote. His old party, the Federalists, disliked Adams, who had become more or less of a Democrat; but then the Federalists had in effect no existence and had no candidate in the field. He disliked Jackson, whose claims he considered based on the mere popularity of military success at the close of the War of 1812. He would have preferred Calhoun for President. He had a great admiration for that statesman, and in his letters frequently spoke of him as a true man. But as Calhoun was Vice-President, and as all the New England States

[4] See generally on this subject, Parton's Jackson, vol. iii, Chap. X; Colton's Life and Times of Clay; Rogers' True Henry Clay, Chap. X.

had given their electoral votes to John Quincy Adams, and as Webster had nothing particular against him, he felt it his duty to follow the evident wishes of New England.

The peculiar political situation of the time in this era of good feeling, with the Federalist party extinct, is shown when we find Webster at last deciding to vote for Adams, only because, after an interview with him, Adams in effect promised that he would ignore old party distinctions, and not only refrain from proscribing or offending any of the old Federal party, but would make one or two conspicuous appointments from among them. For the next four years Webster became an administration man; that is to say, in effect a Democrat, as nearly everybody was at that time; and he was regarded as one of the principal defenders of the President in the House of Representatives.

But nothing of great moment occurred in those four years to bring out Webster's powers. His time was divided between Congress and practice in the Supreme Court. This was indeed his life for the rest of his days, except when he was Secretary of State. From December until June Congress and the court kept him very busy, with very little time for the recreations and reading which he loved. In summer and autumn he broke loose into country life at Cape Cod, interfered with a good deal, however, as autumn approached by demands for his legal services in the courts of Massachusetts.

We need not enlarge on his advocacy during those four years of internal improvements by Congress, building of roads, and improving water ways, or of his preparing and securing the passage of the Crimes Act of 1825, which was a recodifying and amending to date of the criminal statutes of Congress. All this was important work at the time and added to his reputation. The Crimes Act has usually been regarded as one of his monuments, was at one time known by his name, and

has stood the test of time. The statutes of Congress defining crimes against the National Government were in very much the same condition in which the first Congress had left them. There were serious defects in them, and they required to be brought up to the development of the government and changed times. This was a difficult undertaking and required great political tact; for the Democratic and States rights feeling of the country was very jealous of the criminal jurisdiction of the National Government. Webster succeeded. He was good in some kinds of political tact, especially in not giving unnecessary offense, and in the strategy of the legal advocate. But he perhaps could never have rivalled Henry Clay in that statesman's particular form of subtlety which carried so much complicated and seemingly impossible legislation through Congress. Webster would hardly have cared for so much running about and conversation. Clay was always, they say, "talking, dining and receiving." The details of Webster's work on the Crimes Act were probably very interesting; but we seem to know little or nothing about them. Very likely Judge Story helped him. We find him writing to the Judge in this year for help to draft a bankrupt law.[5]

He has been sometimes criticized for always attacking and resisting, and seldom, if ever, associating himself with the positive establishment of any great piece of beneficial legislation. He had no instinct, Francis Lieber said, for the massive movements of mankind; he was not a leader, originator, or conceiver like Clay; he was greatest only when battling down a proposition or as its champion. There is a slight amount of truth in this, and the critics might now go farther and say that one of the most beneficial pieces of legislation in his time, the sub-treasury plan, still in force, was resisted and ridiculed by him as the absurdity of all absurdities.[6]

[5] Works, National Edition, vol. xvi, p. 116.

[6] Lieber, Life and Letters, p. 256.

Clay stands for the protective tariff of 1824, and to a great extent for the principle of protection to American industries. Webster resisted protection in 1824 and accepted it unwillingly in 1828. Clay stands for the Missouri compromise in 1820, the nullification compromise of 1833, and the slavery compromise of 1850. He prepared all those compromises and engineered them through Congress with a skill that Webster possibly may have had, but seldom cared to exercise. He preferred usually to rely on his oratory alone. He opposed Clay's Missouri compromise of 1820. He opposed the nullification compromise of 1833, but favored that of 1850 with such conspicuous brilliancy that the wrath of the free-soilers and abolitionists was turned from Clay to him. He drafted a judiciary bill and a bankruptcy bill, neither of which passed. He advocated for a long time the renewal of the charter of the Bank of the United States, which was never accomplished.

Of positive legislation the Crimes Act was all his own; and also the law for removing from State to Federal courts all cases involving questions with foreign governments; also the measure of 1815, compelling all payments by the government to be made in national currency instead of depreciated State bank paper. He always advocated internal improvements by the general government, and that was certainly successful and beneficial legislation with which his name is connected; but, of course, it was not his invention or the invention of anyone in particular. He assisted materially in establishing the rule in the departments at Washington, that our diplomatic papers and negotiations with foreign governments must be conducted from the point of view of the whole country and not on the basis of partisan politics. Last, but not least, he was the author of the Ashburton Treaty with England in 1842, which was legislation of a very high order, settling the northeastern boundary dispute, impressment of sailors, and the right of visit, which were questions that had been in dispute

between the two countries for half a century and were expected to lead to war.

In the times in which he lived there was as much good to be done in preventing as in forwarding legislation. A large part of his career was devoted to battling down the wild financial schemes of President Jackson and his party, and in explaining and expounding to the American people the true principles of sound money and sound finance. Another large part of his career, probably the most important, was spent in battling down the southern doctrines of nullification and secession, increasing American love of union and giving the people arguments and ideas for supporting the Union and the Constitution. His constitutional arguments in Gibbons *vs.* Ogden, and notably in the Dartmouth College case, created a whole world of judicial decisions under which we are still living. All this was not exactly legislation in the strict sense; but it was protection of the Constitution on which legislation is based, and it has furnished the ideas and principles on which the Civil War was carried through and on which the modern amendments to the Constitution and a large part of legislation of the last half century, as well as the decisions of the courts, are based. Webster was essentially a man of ideas and of convincing people of ideas. He knew his strong point and confined himself to it. If by reasoning and emotion he could convince the people of an idea, he willingly left the drafting of its legislation to the future.[7]

[7] Another piece of beneficial legislation should perhaps be mentioned to his credit. "I was ten days," he said in a speech at Syracuse, "a member of the Massachusetts legislature and I turned my thoughts to the search of some good object in which I could be useful in that position, and after much reflection I introduced a bill which, with the general consent of both houses, passed into a law, and is now a law of the State which enacts that no man in the State shall catch trout in any other manner than in the old way, with an ordinary hook and line." Lanman, p. 129; Works, National Edition, vol. xiii, p. 422.

As a man of cultivation and extensive knowledge in literature and history he was profoundly interested in England, the life of her people, and the doings of her Parliament and public men in this critical time when the Whig or Liberal party was working itself back into power, and free trade doctrines and reforms of old Tory restraints were the great subjects of discussion. It is difficult for intelligent Americans of Anglo-Saxon stock to be without this interest. In those days, perhaps even more than now, their whole education at school and college, and the books they read for amusement, were essentially English and gave them glimpses of the mother country which incited them to seek a closer acquaintance. Webster's unusually wide reading in English literature naturally produced in him a very strong desire to visit England, and for a number of years he tried in a moderate way to be sent as minister to London. Like Motley, Lowell, Hawthorne, and other Massachusetts men of distinction of that time, he passionately craved the opportunity of two or three years' residence and study in the "old home" as a means of development and an intellectual pleasure of the highest kind.

In the early days of the Adams administration, a party of Englishmen of liberal views came to America to travel and study the republic. They were a picked set of promising young men of political aspirations; without titles then; but in subsequent years three of them became known as Earl Derby, Lord Wharncliffe, and Lord Taunton; and the fourth, Mr. John Evelyn Denison, afterwards attained that very honorable and peculiar distinction in English political life, the Speakership of the House of Commons. The Speaker has usually been a typical instance of the English ruling class; a gentleman of means and scholarly tastes, a sportsman and game preserver, a man of the world and fashion, and with a certain moderation and solidity of opinion. They brought letters of introduction. Several of them

had a letter to Webster; and in this letter it is mentioned as a sign of "the improving liberality of the times" that these young gentlemen leaving Europe and the grand tour behind them should go to pay their compliments to the United States. The letter was no doubt correct in stating that it was the first experiment of the kind; and great things were expected of the tourists "for whom Corregio and Michael Angelo, Versailles and the Coliseum have such feeble attractions in comparison with the wonders of New England and Washington." [8]

The young travellers saw all the notable places and persons in America, diligently studied our politics and ways of life, were much entertained, and a great deal in the company of Webster and Judge Story, with whom Mr. Denison kept up the friendship by correspondence for many years.

They were all of value to Webster because they gave his insatiable mind a chance to learn many things about English politics he could hardly obtain in any other way. These young liberals had taken up the idea, much developed since their day, of amicable settlement of all difficulties between America and England, oblivion for all past differences, more cordial relations and a fuller appreciation of the necessity for co-operation and sympathy among all the members of the great English speaking race. Webster, like other New Englanders, was in full accord with these opinions and indeed an ardent advocate of them.

There was not then the easy means of reaching England in a voyage of seven or eight days; nor were there any of the books or full newspaper reports which we now have for learning about English doings from day to day. We see the changed conditions very plainly when we find Webster relying upon Mr. Denison for a large part of the rest of his life to send him every year from England pamphlets, books, and information with

[8] Webster, Works, vol. xvi, p. 111.

which no one now would think of troubling a private person. But it was then still the age when men of education relied upon private correspondence for a large part of their information.

In 1825 there came an opportunity to Webster to deliver the address on the anniversary of the Battle of Bunker Hill. He had now learned to value these occasional addresses, more than his speeches in Congress, as a means of increasing his reputation as an orator. He always took the most exhaustive pains and care; possibly too much; for they smell of the lamp more than his famous speeches in debate. They were after all artificial occasions and not like a hot reply to Hayne or Calhoun in the Senate.

It was June; trout fishing season; he was free from Congress and the Supreme Court; and a large part of the oration, especially the famous part addressed to the veterans of the Revolution, was composed while wading with his rod in Mashpee Brook, a stream which flows into the ocean in his favorite region, the southeastern coast of Massachusetts. He would let his line run carelessly down the stream, his son says, and then lost in his thoughts would advance one foot, extend his hand, and begin to speak, "venerable men, etc."

He worked himself stale over the speech until it seemed to him like a very dull performance. "No tone in it," he said, all "dissolution and thaw." It was, however, far better in diction and style than the Plymouth oration. It was more Websterian. There are permanent passages in it, passages that will probably always be read with interest and pleasure. The part where he turned towards the seats where the old veterans of the Revolution were sitting, and addressed them, is undeniably fine.

"Venerable men! You have come down to us from a former generation. Heaven has bounteously lengthened out your lives that you might behold this joyous day. You are now where you stood fifty years ago, this very hour, with your

brothers and your neighbors, shoulder to shoulder in the strife for your country. Behold how altered! The same heavens are indeed over your heads; the same ocean rolls at your feet; but all else how changed! You hear now no roar of hostile cannon, you see no mixed volumes of smoke and flame rising from burning Charlestown. The ground strewed with the dead and the dying; the impetuous charge; the steady successful repulse; the loud call to repeated assault; the summoning of all that is manly to repeated resistance; a thousand bosoms freely and fearlessly bared in an instant to whatever of terror there may be in war and death;—all these you have witnessed, but you witness them no more. All is peace."

This was among the first passages of Webster's eloquence to be widely quoted and regarded as of permanent value. It fulfils the definition he afterwards gave that eloquence resides in the occasion. Most of the Bunker Hill oration is taken up with a summary of the progress of the world; the prospect of everlasting peace now that the Napoleonic wars were over; the advance of Republican ideas of government; the wonderful advances of science and the mechanic arts; "the unexampled and almost incredible use of machinery," as it seemed to him and the people of that time. But to us, the progress then attained seems like nothing, and these portions of the oration have lost all the novelty which gave them vogue. It was rather a new thing to summarize progress in such a complete and enthusiastic way. Since then it has been done a thousand times; and when one of the summaries is a few years old it is obsolete.

The Bunker Hill oration was a great event in its day. So far as adding to his reputation was concerned Webster could hardly have asked more from it. Every one read it in America; it was admired in England; and translated into French and other languages on the continent of Europe. But so hard had Webster wrought on it and so particular had he become, that as soon as it was delivered he began to worry himself with the thought that he had not used enough Anglo-Saxon words. On the morning after its delivery he handed

it to one of the students in his office in Boston, saying, "There, Tom, please to take that discourse and weed out the Latin words."

In the early summer of 1825 Mr. and Mrs. Webster with Judge Story and his wife and some friends made a journey to see Niagara Falls. Such an excursion on a return ticket is now often taken by clerks or even laboring men, and nothing much thought of it. It hardly seems serious enough to record in a biography except that in those days it was something of an event in a person's life, almost equal to a trip to Africa in our time. Niagara was then one of the great wonders of the world, and had not been outshone by the Yellowstone Park, the Yosemite, or the glaciers of Alaska. The Websters and Storys spent part of June and nearly all of July on the expedition, travelling in coaches from Boston and on the slower passenger boats of the Erie Canal across New York. Nothing that has since been written of that region equals in freshness and interest the letters which Webster and the Judge wrote home to their friends and relatives. It shows how important are first impressions and early descriptions of even great objects in nature before they became hackneyed.

The Judge was, as usual, interested in everything, and wrote well about everything, giving rather more details than Webster, and describing Trenton Falls and other forgotten wonders and beauties of that country with an enthusiasm which would no doubt bring a very supercilious smile to the face of a modern globe-trotter. He was a thorough Massachusetts man of that time and carried with him the Massachusetts atmosphere; it was the time of the intellectual ascendency of Unitarianism, and the Judge was a strong Unitarian, seeking out the Unitarian preachers to be found on his journey. The wonderful physical vigor of Webster impressed him. "He has," he said, "a giant constitution and can bear every sort of fatigue."

Most of Webster's letters were addressed to Mrs.

Blake, the accomplished wife of his shooting companion in Boston. It was the duty and custom of the time that he and the Judge should use their best efforts to send home, to be passed about and read, accounts of distant and remarkable places; for in no other way could such accounts be obtained. But for us all these places and a great many more have been described to death in newspapers, magazines, and books until a person who should undertake to describe Niagara in a letter in the manner of Webster or the Judge, would be put down as a bore or a mere schoolboy. But the magazines and newspapers have seldom improved on Webster's description of what was then considered the marvellous sight when you went in a little distance between the falling mass of water and the rock over which it was precipitated.

"Water, vapor, foam, and the atmosphere are all mixed up in sublime confusion. By our side, down comes this world of green and white waters, and pours into the invisible abyss. A steady, unvarying, low toned roar thunders incessantly upon our ears; as we look up, we think some sudden disaster has opened the seas, and that all their floods are coming down upon us at once; but we soon recollect that what we see is not a sudden or violent exhibition, but the permanent and uniform character of the object which we contemplate. There the grand spectacle has stood for centuries, from the creation even, as far as we know, without change. From the beginning it has shaken, as it now does, the earth and the air; and its unvarying thunder existed before there were human ears to hear it." (Private Correspondence, vol. i, p. 390.)

Webster had a long holiday that summer of 1825. He had had a severe winter in Congress and in the courts; and after his return from the Niagara tour he and Mrs. Webster were at Sandwich, on Cape Cod, until well into the autumn. Five years more of this routine work in Congress and the courts now separated him from the great event of his life, the reply to Hayne, on which so much of his fame is supposed to rest. There were many minor things, and some important ones in those five years which should, perhaps, be de-

scribed. He had now an influence in Congress so commanding, his ability in debate and argument was so convincing, that sarcastic complaints of it can be found in the speeches of other members; and in the next five years this influence steadily increased.

Among his minor efforts was an attempt to satisfy the demand of the time for a reorganization of the United States Courts. The Supreme Court judges at that time, when not sitting as the court of appeal and last resort, held circuit courts in different parts of the country which was divided into districts for the purpose. The modern system of confining the Supreme Court judges to purely appellate functions and having a different set of judges for the circuit and district courts had not then grown up. It was regarded by conservative lawyers, like Webster, as very important, that the Supreme Court judges should vary their appellate duties by conducting jury trials on the circuit, so that they could see "in practice the operation and effect of their own decisions, and have that intercourse with other judges, with the bar and with the community which had heretofore been found such a useful means of information." In the enormous increase of litigation in modern times this method has been abandoned; and the judges of courts of last resort, State as well as National, now live secluded from the world in order to turn out the immense number of decisions and opinions required.

It was also considered by many as vitally important that the personnel of the Supreme Court, consisting of Marshall, Story, and five others, should remain as it was, as long as possible. These seven judges had grown accustomed to acting together. They had harmonized for many years in their views of the great constitutional questions. They had decided these questions favorably to Federalism, Union, and the power of the National Government and unfavorably to disunion, sectionalism, and extreme State rights. They had added

to the dignity and reputation of the court; they were admired and respected by the Bar; they wished to continue in the old line; and they were averse to an increase of their numbers which might break up the very successful harmony of views on certain important questions.

But increasing population and expansion in the west demanded more circuit courts; and this could be accomplished only by increase in the number of the Supreme Court judges or by confining them to purely appellate functions, both of which seemed undesirable. There were many of the Democratic party who were jealous of the Supreme Court's power to declare State laws unconstitutional and were inclined to favor an act of Congress restricting the court's power in this respect. If the question of reorganizing the court was raised at all, it was feared that these extreme State rights persons might accomplish their purpose.

To Webster, as chairman of the judiciary committee, fell the delicate duty of taking through Congress some measure which would satisfy the needs of the time and not endanger conservative principles. He finally compromised by adding three new judges, provided that six of the ten judges should be a quorum for the Supreme Court. The bill passed the House, but failed in the Senate; and the reorganization of the courts went over to a later period of history. The bill, however, had its value, no doubt, as showing a desire on the part of Congress to conciliate the Western States. It probably lessened their antipathy to the Supreme Court. The episode illustrates Webster's methods and opinions, his conservatism and his friendliness with the judges. "If the bill passes," he wrote to Judge Story, "well; if not, we have made a fair offer, and the court will remain at seven some years longer."

Another specimen of his work in Congress was his speech in support of President Adams's plan to send envoys to Panama to a congress of the South American provinces then in the midst of their struggles to free

themselves from Spain. It was an innocent enough proposal; but it led to endless debate, and was made the occasion for organizing opposition to the administration. An attempt was made to fasten instructions on the envoys as to what they should discuss or consult upon with the respresentatives of other countries they would meet. This was regarded by Webster as an unconstitutional infringement of the prerogatives of the President. It was for the President to instruct the envoys; and Congress could not constitutionally interfere with his privilege. Webster enlarged, on this occasion, in a very interesting manner on the relations of the departments of the government to one another. It was another experience and training in that constitutional reasoning in which he was becoming such an adept that he could argue many of these important questions without immediate preparation.

After another laborious winter in Washington he again had an opportunity to deliver one of those formal orations or addresses. John Adams and Thomas Jefferson, of the Revolution, died on the same day, the 4th of July, 1826, and within a few hours of each other. This curious coincidence, the great age of both of the men, and their illustrious services to the country, aroused an unusual public interest. Who but Webster, the orator of Plymouth and of Bunker Hill, would be equal to such an occasion? He was asked by the mayor and officials of Boston to deliver an eulogy on the two great men, and the date fixed upon was the 2d of August, in Faneuil Hall.

He worked hard, as usual, in preparation, so hard in this instance that he wore out all his faculty for judging of his own work. Mr. Ticknor, whom he consulted, found him much embarrassed and dissatisfied, walking up and down his room. But Ticknor assured him there was no cause for uneasiness. His emotional side was evidently much aroused, especially by his preparation of the speech which he put into the mouth

of John Adams as having been delivered in reply to some one in the Continental Congress who opposed the adoption of the Declaration of Independence. "I wrote that speech," he afterwards told President Fillmore, "one morning before breakfast, in my library, and when it was finished my paper was wet with my tears."

This eulogy on Adams and Jefferson was almost the last of his addresses of this sort; and, except for one or two passages, does not now seem the best of these orations which added so much to his fame. But his appearance and manner are said to have been very impressive. He was in the prime of life, forty-four years old, most handsomely dressed, in the perfection of manly beauty and strength; and his bearing, Ticknor says, was one of "absolute dignity and power."

Webster's anxiety about the oration was natural. Except for the passage on eloquence, it does not now impress one as anything wonderful. The greater part of it consisted of mere biography, a statement of the public services of Adams and Jefferson; very well done it is true; but nothing remarkable. The curious circumstance of their death, their great age, and the natural pathos and poetry of such a situation, were eloquently commented on, and then came the often quoted passage on eloquence:

> "True eloquence does not consist in speech. It cannot be brought from far. Labor and learning may toil for it, but they will toil in vain. Words and phrases may be marshalled in every way, but they cannot compass it. It must exist in the man, in the subject and in the occasion. Affected passion, intense expression, the pomp of declamation, all may aspire to it; they cannot reach it. It comes, if it come at all, like the outbreaking of a fountain from the earth, or the bursting forth of volcanic fires, with spontaneous original native force."

This, like the speech to the veterans in the Bunker Hill address, is one of the first of the "Webster quotations," the first of his utterances to pass into per-

manent literature. Curiously enough he gave an illustration of his definition of eloquence at the end of his own oration when he put the supposed speech into the mouth of John Adams. This is the speech of Adams that we used to have in our school declamation books: "Sink or swim, live or die, survive or perish, I give my hand and my heart to this vote."

It had an immense popularity at the time because, although nearly two generations had grown up since the Revolution, they had nothing to read about it; and the novelty of an actual debate on the great question at issue very naturally delighted them. For years afterwards Webster used to receive letters asking if John Adams really did deliver that speech.

But the speech does not now impress us as very real. It is far-fetched. "Labor and learning toiled for it," but they could not compass it; and it is the mere "pomp of declamation." His old colleague in the Dartmouth College case, Mr. Joseph Hopkinson, of Philadelphia, wrote him a very pertinent comment on it, to the effect that his argument against the Declaration was stronger than the one for it. This was in accord with the history of the event. The strength of human reasoning was with those who opposed the measure, though all elevated and noble feeling was in favor of it.

In the autumn of 1826 Webster was again elected to Congress for the third time to represent Boston. His previous elections had been in the era of good feeling, when there were no strongly marked party lines. His first election from Boston in 1822 had been unopposed by the Democrats. In 1824 he was voted for and elected without any particular party contest. The vote for him was very large, almost unanimous, and most of the voters were presumably Democrats. In neither election had he been regularly nominated in anything like the modern way by any party. His name had merely been put forward by certain leading citizens. But now under

the administration of John Quincy Adams, parties were beginning to form again, and they seem to have divided on the question of supporting or not supporting the President's administration. Those Democrats who were favorable to the President had separated from their party, had formed a new party organization, and were calling themselves Republicans, while the rest of the old Democratic party were afflicted with the craze for General Jackson and had already laid their plans for electing him to the Presidency. Webster had supported the administration of Adams, and in this election in 1826 was regularly nominated, voted for, and elected by the new Republican party so-called, soon to become the Whig party.

This election meant another laborious winter in Congress and the courts. In the Supreme Court, and in other courts of the country, Webster's practice was now very large. He had for some time represented many of the claims under the Florida Treaty of 1819, for indemnification of seizures by Spanish cruisers in 1788. His fees in these cases, his literary executor informs us, amounted to $70,000. He argued fifteen cases in the Supreme Court this winter, and his professional income from all sources would even in our own time be regarded as considerable. Besides this he was the most conspicuously able man in Congress; he bore the burden of every important debate; was the recognized defender of the administration; kept himself better informed than any other member on a wider range of topics, political, historical, and literary; and delivered speeches, whether on important or unimportant subjects, of such rare dignity and tone as to make the least of them, even at this late day, a pleasure to read and a fit subject for study.

IX

ELECTION TO THE SENATE—DEATH OF HIS WIFE—TARIFF OF 1828—REMARRIAGE—PRESIDENT'S POWER OF REMOVAL

That winter of 1826–27 was Webster's last service in the lower House of Congress. The failing health of Mr. Mills, one of the Senators from Massachusetts, made a vacancy to be filled in the Senate. Webster seemed inclined to remain where he was; and among the letters from the leaders of the Republican party there were some arguments in favor of this view. He understood the business of the Lower House so thoroughly and was so powerful in debate that his removal might seriously weaken the administration party, which, though a majority in the Lower House, was none too strong. But in the Upper House it was still weaker and was in the minority; so that it was, perhaps, more important to strengthen the administration party in the Senate. In the Lower House conditions might take a favorable turn and young men of talents be developed. Governor Lincoln, of Massachusetts, urged this point upon Webster very strongly, and described the Senate as in every way his proper field of usefulness.

Governor Lincoln himself could have had the election to the Senate if he had wanted it, and Webster urged it on him. But he positively declined it, and the Massachusetts Legislature elected Webster in June, 1827, his service to date back from the 4th of March of that year. This declination of Lincoln, as Senator Hoar has pointed out, was one of those curious incidents occasionally found in history, and apparently leading to momentous consequences. If he had accepted and had been elected it seems as if the course of history might have been very much altered. The term of six

years, from 1827 to 1833, for which Webster was now elected, exactly covers his great speeches on nullification, the greatest of his life, the reply to Hayne and the reply to Calhoun, of immeasurable influence on the American Union. Lincoln could certainly not have delivered those speeches; and Webster could not have delivered them in the Lower House of Congress.[1]

Unfortunately for Webster, when on his way to Washington in November to take his seat in the Senate and begin his new duties, he was stopped in New York by the serious illness of his wife, who accompanied him. Her trouble was a tumor of rather long standing; but not much had been thought of it until lately. Distinguished physicians in New York, Dr. Post and Dr. Perkins, were consulted, and their opinion was not favorable. She remained in New York for nearly two months while hope and discouragement alternated; and died on the 21st of January, 1828. At the funeral in Boston, Webster, taking two of his children by the hand, walked close to the hearse through the winter streets to the grave. He closed his Boston house and disposed of his children in the families of friends. His daughter Julia went to Mrs. Lee, a very dear friend of his wife. His son Fletcher was at school, and Edward, as he expressed it, was to be turned for "the winter into Mrs. Hale's little flock." This done he returned to Washington and his usual duties in the Senate and the courts.

Webster's marriage had been a very happy one; and long after the bloom and first impressions of youth had passed, he and his wife remained very congenial companions. She sympathized completely in his pursuits and opinions, understood with more than usual feminine intelligence the ideas and subjects with which he dealt, and was intimate and friendly with his friends and their wives, the Storys, the Masons, and the Tick-

[1] Mass. Historical Society, Second Series, vol. xv, pp. 230–238; Webster, Works, National Edition, vol. xvi, pp. 163, 164.

nors. Her loss was a severe blow to him, possibly more so than he realized. It has been suggested that certain regrettable traits, extravagance, debt, willingness to receive large presents of money from political admirers, and perhaps overgenerous eating and drinking might not have developed themselves if she had lived. But this is a doubtful speculation; or guess, for it is nothing more.

He was very gloomy in Washington that winter and spring, anxious to have his old friends visit him; and was very much gratified when Mr. Ticknor and Prescott, the historian, came to stay with him.

"I received yours of the 13th this morning, and never executed commission with more alacrity and pleasure than this of looking up rooms for you and Mr. Prescott. It delights me to hear that you are coming, and I shall certainly keep you for a fortnight.

"The rooms are engaged. They are not strictly in the house I live in, but in the same block and quite proximate. My landlady has engaged them, and I am to have the pleasure of your company at my table. When you arrive at this far-famed metropolis, please direct the coachman to set you down at Mrs. McIntyre's, Pennsylvania Avenue, nearly opposite Gadsby's National Hotel, a little this side, precisely by the side of a pump, at a large wooden platform which supplies the place of a stepping stone. Inquire for Mr. Webster. If he is out, ask for Charles—and the rest will follow in regular sequence. I shall see that there is dinner for you at two o'clock on Sunday; and if that day should not bring you, at four o'clock on Monday."

In the spring following his wife's death Webster made that speech on the new tariff law of 1828, which has so often been referred to in discussions on the policy of protection. He had seen the birth of our policy of protection soon after he first entered Congress in the tariff law of 1816. He had made a speech against the second tariff act of 1824, and now he spoke on this third act in 1828, which carried still further the principle of protection, increasing duties and putting new ones on articles that had never before been taxed.

Like all tariff bills, it was a tiresome list of hundreds of small articles, many of them strange commercial names, that the ordinary person has seldom heard of. A glance at the two laws of 1824 and 1828 shows, for example, that macaroni, gloves and lute strings are taxed for the first time in 1828, and so it goes on through apparently trifling things up to iron, wool, hemp, molasses, cotton, and the important products. Innumerable interests had got together and sought protection for their occupations under this new bill. Nearly all manufactured articles were taxed and their price apparently increased to the consumer. This excited the South, which believed that northern manufacturers were enriching themselves at her expense; and they called the new act the "bill of abominations."

They blamed New England in particular, as the cause of all this evil; and to punish her and compel her to vote against the bill special taxes injurious to her were put in the bill by its opponents. The tax on molasses was the most notorious of these; for New England used a great deal of it and it was the basis of a large part of her carrying trade to the West Indies. Southerners who were opposed to the bill and ready to break up the union because it was finally passed, nevertheless voted for these punishments.

But even without these "doses of medicine," as they were called, the bill was very strongly against New England because it increased the taxes on iron, hemp, and duck. The increase of these three taxes alone took hundreds of thousands of dollars from the pockets of New England ship-owners, because it made ships more expensive than ever to build, repair and own in America. The producers of iron, hemp and duck were protected at the expense of the owners of ships. So very objectionable were these "abominations" that Webster's colleague in the Senate, Mr. Silsbee, and Mr. Gorham, the Boston representative in the Lower House, voted against the bill.

Webster took the position of making a speech in which he deplored all the "abominations" as much as anybody; in fact, made what was in some respects a rather free trade speech; but declared himself in favor of the bill because it favored the woollen manufacturing interests in New England which had grown up under the protection and encouragement given to them in the act of 1824.

A large amount of capital had been invested and numerous people employed in this industry and, by changes in the English duties on wool and methods of importing it since 1824, a very large part of the protection of our tariff law of that year had been neutralized. The wool manufacturers appealed to Congress to save their invested capital. It had been invested, they said, in good faith under the act of 1824, and in reliance on that act. Congress, in short, had led them into the business and must now give them further protection against the new condition. The woollen industry had accordingly been included in the bill in the manner desired by the manufacturers.

For the sake of this capital and these people, Webster said the tariff bill with all its abominations must be accepted. He was deeply annoyed and worried at reaching this conclusion and came to it with great reluctance. But there was no other way, as it seemed to him, to save the woollen industry and its capital which, having been created by Congress, could not in decency be abandoned by Congress. He declaimed savagely against the iniquity and trickery of a lumping tariff bill all at one time, and which must be voted for as a whole. But what could he do? Let all this great woollen industry perish? Or save it by accepting the bill which protected it?

He never heard the end of this advocacy of a special interest and it is brought up against his reputation to this day. He has been called a mere attorney in the Senate for a special interest. But were not his col-

league Silsbee, and Gorham in the Lower House, as much attorneys for a special interest when they opposed the bill because it injured New England ship-owners? Is not a protective tariff essentially a series or set of special interests? and would not anyone who advocated protection for any commodity be an attorney for a special interest? In the case of such a lumping, drag-net sort of bill, it was a nicely balanced question whether you would try to save shipping or wool. Shipping was still holding its own in spite of adverse taxes, had long held its own, and might be able to take care of itself. In fact, it took care of itself in spite of adverse duties down to the time of the Civil War. The wool industry was new and weak, dependent on the tariff system, already injured for want of more protection. The tariff system was going on, and should not New England obtain a portion of its benefits in return for bearing so many of its burdens? So Webster accepted the whole bill for the sake of its protection of wool.[2]

The passage of this tariff act of 1828 led to great events. In one sense it led to the Civil War of 1861, because it was the beginning of the secession movement in the South. It furnished the excuse for building up a theory of nullification and secession, really intended to protect slavery, as much as to protect the South from high tariff legislation. In South Carolina particularly, the new tariff was attacked with the utmost violence and not without exaggeration of its effects. The following year the South Carolina Legislature sent to Congress a formal written protest arguing against the law as mere robbery of the agricultural South, contrary to all the principles of free government, compelling her to buy nearly all the manufactured necessaries of life at an increased price to enrich the North. Although South Carolina representatives in Congress had voted for the protective tariff of 1816, and without finding it

[2] See besides his speech a letter, Works, National Edition, vol. xvi, p. 147.

unconstitutional, they now discovered that a power to protect domestic manufactures by import duties could not be inferred from the power to regulate commerce and was not "necessary and proper" for carrying into effect the commerce regulation clause of the Constitution.[3]

That summer of 1828 Webster returned to Boston much depressed by his recent affliction, weary of politics and law, and very anxious to be with his children and have some semblance of a home again. He got the children with him in his Boston house, leaving Julia, however, most of the time with Mrs. Lee. He could not altogether escape some legal engagements, and at a complimentary dinner given to him in Faneuil Hall on the 5th of June he was obliged to deliver a set speech reviewing the political situation and defending his vote on the tariff and internal improvements.

It was the year of a presidential election. The administration of John Quincy Adams was closing, an administration notable for the advance of internal improvements and the protective tariff. Internal improvements, the building of roads and canals, and the deepening of rivers and harbors all over the Union at the expense of the Federal Government instead of by the States, was not a new idea. But such improvements had recently been very much demanded for developing the interior of the country because we were no longer the great neutral trader and ship-owner since the close of the Napoleonic wars had set the European nations free to resume their ocean commerce. The same condition developed the principle of protection to domestic industries, because the increasing population could not longer satisfy itself with agriculture and navigation and demanded to be let into manufacturing by the shortest

[3] Gales and Seaton, Congressional Debates, vol. v, 828–29, p. 52. See generally for the tariff question the debates of 1828; and for all similar questions the debates are an excellent source of information.

method. The two ideas, the protective tariff and internal improvements, received the name of the American System, that is the system for the peculiar and special interests of America, though sometimes the name has been applied to the protective tariff alone. Henry Clay was the great expounder of the system, and its advocacy the chief mission of his life.

Internal improvements and the protective tariff were advocated and carried out so strenuously during the Adams administration that political parties formed again and the era of good feeling was completely broken up. The followers of Adams, former Federalists and like-minded Democrats, believed that both protection and internal improvements were constitutional under that clause which gives Congress the power to regulate commerce. The Jacksonian Democrats and the southern Democrats, though many of them had once been prominent in favoring both protection and internal improvements, now began to discover that the power to regulate commerce was not broad enough to include the American System.

Webster's previous political career of nearly twenty years had been in a large degree free from party heat and even from partisanship. He had had a rare opportunity, of which he had taken full advantage, to build up for himself a broad reputation of statesmanship. His ideas, his arguments, and his eloquence had won the confidence of nearly all classes. He had for some years been in a very enviable position with his legal practice in the highest courts and the most important cases, his happy family life, his out-of-door sports and amusement from June to November on Cape Cod, his liberal, large-minded interests of every sort, and his acquaintance and correspondence with distinguished foreigners. But now he was in favor of the re-election of Mr. Adams, against whom the main body of the Democratic party had united with new ideas of making the offices of government a fund for the reward of partisan service.

Webster frankly opposed this new heresy as a source of corruption and demoralization which might bring the American experiment of Republican government to an early end. He opposed General Jackson as its representative and as a man without any real experience or capacity in statecraft, "wholly unfit for the place to which he aspires," but whose military exploits had captivated the imagination of the people.

Webster thus became, from force of circumstances, a more strictly party man. The attacks upon him began at this period, and among them was the accusation, already discussed, that at the time of the embargo and the War of 1812 he had been one of the Federalists who had designed to separate New England from the Union and unite her to the British provinces.

Adams was supported very generally in New England for the sake of his ability and family history and in spite of his coldness and vote for the embargo law. But he was opposed by certain Federalists who separated themselves from their party, joined the Jackson Democrats, and established in Boston a newspaper called the *Jackson Republican*. This paper, on the 29th of October, 1828, published a statement, written by Mr. Theodore Lyman, that Mr. Adams had disclosed to Jefferson that Daniel Webster and some other prominent Federalists had in the times before the War of 1812 been "engaged in a plot to dissolve the Union and reannex New England to Great Britain." "Why, then," it was asked, had Adams "held to his bosom as a political counsellor Daniel Webster, a man whom he called in his midnight denunciation a traitor in 1808?"

Webster was greatly incensed at this, and acting perhaps in conjunction with other Federalists had Mr. Lyman indicted and arrested for a criminal libel. Lyman was a man of wealth, good family, social and political prominence, was at times mayor of Boston, member of the Legislature, an officer in the militia, and at the risk of his life rescued the abolitionist, William Lloyd

Garrison, from an infuriated mob in 1835. Webster and Lyman had been friends, members of the same intimate social circle in Boston, and the trial was quite a scandal in its day. It would hardly be mentioned here except that Webster's biographers have been charged with concealing it for the sake of relieving him of the odium of being accused of plotting to destroy the Union.

As a matter of fact Lyman was mistaken in saying that Adams had made this charge against Webster; he had simply made it generally of Federalists, as was often done, and Lyman in the heat of politics had named Webster because he was a Federalist. Of course Lyman's counsel, besides the defence of inadvertence, haste, and no intention to injure Webster, said that it could not be a libel to charge a person with a plot to dissolve the Union because "every State has a right to secede from the Union without committing treason." This has been sometimes thought particularly significant; but is hardly any more so than the rest of the disunion talk that had been heard from time to time ever since the foundation of the National Government, and was soon to be heard in full flood in the debate with Hayne. Nothing much came of the trial because the jury disagreed, and some years afterwards Webster and Lyman made up and their families exchanged visits.[4]

Disunion was in this year, 1828, beginning to be a serious subject of discussion. It seemed treason to most Americans and a natural right to others. It was not the New Englanders who were now raising it, but the South Carolinians who objected to the recent tariff as benefiting New England at the expense of the South. In his message to Congress in that autumn of 1828, President Adams had strongly expressed his disapprobation of all sentiments of disunion.

John Quincy Adams, able, honest, and in politics

[4] Josiah H. Benton, Jr., "A Notable Libel Case," Boston, 1894; Curtis, Life of Webster, vol. ii, p. 331.

from his youth, was, however, a self-centred, cold man, inspiring great respect, but little enthusiasm. In the election he received all the electoral votes of New England, but in the South, where the rage against the new tariff was extreme, the whole electoral vote was cast against him. General Jackson was elected with Calhoun as Vice-President, and Jackson immediately inaugurated great changes in the methods of American politics. In Washington that spring of 1829, Webster was much disgusted, but half amused and determined to take things calmly. He watched the changes taking place and the horde of office-seekers pouring into the capital. "A great multitude," he writes, "too many to be fed without a miracle, are already in the city, hungry for office." And the President of the new ideas, a forceful, heroic man, no doubt, though of narrow intellect, complacently chewed and spit tobacco as he received his audiences and advisers. It was certainly a rude shock to the old feelings of dignity and culture, which had come down through the old Federalists—Washington, Madison, and the Adamses—from colonial times.

From a letter to his brother Ezekiel that spring we are surprised to learn that Webster, weary of politics and life in Washington, had determined in the event of a certain contingency to resign from the Senate, abandon his practice in the Supreme Court, and retire to the practice of law in Boston.

> "If no change takes place in my own condition, of which I have not the slightest expectation, and if you are not elected, I shall not return. This, *inter nos,* but my mind is settled. Under present circumstances, public and domestic, it is disagreeable being here, and to me there is no novelty to make compensation. It will be better for me and my children that I should be with them. If I do not come in a public I shall not in a professional character. I can leave the court now as well as ever, and can earn my bread as well at home as here." (Private Correspondence, vol. i, p. 474.)

He had, it seems, turned over his children to the care of his brother's wife. If the brother were elected to

Congress from New Hampshire and came to live in Washington, that would make a home there for Webster and the children. The other contingency he mentions as a change in his own condition possibly refers to his remarrying. His solitary condition in Washington, living in apartments without any of the family life he had so long been accustomed to, had become intolerable. He had the society of Judge Story in the same house, many friends and admirers, and plenty to do; but it was not a sufficient substitute for his old life.

Of the contingencies on which his retirement depended, one was quickly disposed of. His brother was not elected to Congress, and while addressing a jury in the court room at Concord, New Hampshire, fell dead of heart disease. Webster was now more than ever inclined to retire. He spent part of that summer of 1828 in looking after the affairs of his deceased brother. The old family farm in New Hampshire now became his. He was attached to it and all its surroundings by strong sentiments; he kept the farm going for the rest of his life under a favorite overseer, John Taylor; and in spite of the more varied and superior attractions of Marshfield he often visited this country place number two to enjoy the sight of his cattle, the invigorating climate, and the beautiful interval land along the river backed by the distant mountains.

There seemed little left to draw him back to Washington. But in the autumn of that year 1829, going to New York on professional business, he made the acquaintance of Miss Caroline Le Roy, and was married to her in December. They had no children. She was no doubt correctly described by her husband as "amiable and affectionate, prudent and agreeable." Quite a number of her letters are printed in Mr. Van Tyne's collection. She had had a great deal more experience than the first wife of social and fashionable life and probably was more appreciative of the position given her by her husband's fame

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MRS. CAROLINE LE ROY WEBSTER

and popularity. Some of her letters in the National Edition of his works indicate a rather bright mind, capable of expressing itself with point and even wit. It is hard to think of him choosing any other sort of woman for a wife. But her letters have not the seriousness and charm of those of the first home-loving wife, occupied with the children and with only a passing interest in social and fashionable affairs.

Now that he was married again there was less reason for Webster's retirement from politics, and he went to Washington to spend what proved to be the most eventful winter of his life. We naturally expect to find him a decided opponent of the Jackson administration. He certainly detested the Jacksonian principle, that to the victors belong the spoils, that every new administration must make a clean sweep of all the subordinate officers for the sake of rewarding followers and dependents. He felt the evils of it in Washington as he watched Jackson make two thousand removals from Federal offices in two years, and he foresaw the injury and demoralization the system would work in the future. He had nothing but contempt for the argument that unless the offices were held out as rewards ordinary men would lose interest in political contests and would not labor for the success of even meritorious political opinions. He knew the contrary to be the fact in the forty odd years of his life. He regretted that the offices of the government should be made a corruption fund to influence votes and the officeholders corrupt political workers in order to retain their positions. He saw no good in a system which tended to make public patronage more important than political principle in the eyes of the ordinary man.

But when the attempt was made to stop Jackson's wholesale removals,—on the ground that, as the President's appointments to office must be confirmed by the Senate, he had no right to remove from office without the same sort of concurrence of the Upper House,—

Webster frankly admitted that the clause of the Constitution could not be stretched so far. The Constitution provided that the approval of the Senate was necessary to an appointment to office, but was silent about removals. The question thus raised had not infrequently been discussed, and the argument was now made by the opponents of Jackson, that the power to confirm an appointment necessarily included the power to determine the length of the appointment, that as the Constitution had required the confirmation of the Senate for appointments, it must have intended the same confirmation for removals, and that the President could not alone terminate an appointment. This had been the opinion of Chancellor Kent. But the opinion of Madison had been contrary and so had the practice of the government for half a century. Webster considered the argument against Jackson too inferential and artificial to be maintained in the face of such long acquiescence and practice; and he accordingly would take no part in denying Jackson's constitutional power of removal.

X

THE GREAT DEBATE AND THE REPLY TO HAYNE

That curious episode in the history of the United States Senate, the Great Debate, lasted, with intervals for other business, for three months, from the 1st of January until the 2d of April, and again for a few days in May of the year 1830. It arose on a resolution of inquiry offered by Senator Foot, of Connecticut.

"That the Committee on Public Lands be instructed to inquire into the expediency of limiting for a certain period the sales of the public lands to such lands only as have heretofore been offered for sale and are subject to entry at the minimum price ($1.25 per acre). And also whether the office of Surveyor General may not be abolished without detriment to the public interest."

Resolutions of inquiry were usually passed by the Senate without debate as a matter of course. But this resolution suddenly assumed the importance of a great measure of public policy concealed in the disguise of inquiry, and was debated longer and more intensely than formal bills that were intended to become laws.

It has been usual, especially in biographies of Webster, to say that the resolution was an innocent inquiry which had nothing to do with nullification, secession, and other wonderful topics which were lugged in in a very irregular way under its heading. But if we dispose of it in this brief manner, we miss the real situation of the time and the actual position and conduct of Webster. Under the circumstances of the times the resolution was a fire-brand which lit up the passions and politics of nearly two generations. It was not an unimportant subject. It was one of the largest subjects before the country. The hundreds of millions of acres of wild lands in the Mississippi Valley and the best

method of disposing of them was by no means a small subject. Whether they should pass into the hands of settlers who would cultivate them or into the hands of speculators who would merely hold them for a rise in price; whether their settlement should be encouraged, even if it drained off population and weakened the Eastern States; whether they should be given away for nothing in order to encourage settlement, or whether they should be sold for a price; whether they should be given to the individual States; or, if sold, what should be done with the proceeds, were momentous questions, questions which concerned the future development and greatness of the Union and the character of its population. Such questions had been frequently before Congress. Such questions included the great subject of internal improvements, which was connected with the public lands because the people of the West looked to Congress for such improvements of their waterways and highways as would help in developing their land. The protective tariff was part of the public lands question, because manufacturing industries in the East were supposed to keep people from emigrating to the West. The question of slavery was connected with the public lands because there was a serious difference of opinion whether the new territories in the West should be slave or free.

The public lands had been a problem even in colonial times; but a comparatively easy one, because, with the exception of the lands sold by proprietary provinces like Pennsylvania, the policy of the British Government had been to give the land away quite liberally for the sake of encouraging settlement. This was also the policy of other European countries that had colonies and dependencies. But when the United States was formed under the Constitution the States that had acquired wild lands in the West under their old charters which extended from sea to sea, gave these lands to the General Government to be sold and the proceeds retained

as a general fund for the benefit of all the States. These lands had, accordingly, been regarded as a trust for the benefit of the whole country; a system for their survey and sale had been adopted; and about four hundred acts of Congress had been passed to encourage their sale and settlement. Indeed, fully half the business before Congress had heretofore been made up of land bills.

The system adopted had been to offer the lands at public sale to the highest bidder; and if not bought they could be purchased at private sale by anybody for $2 per acre, reduced to $1.25 in 1820. This was a good system in its way; though perhaps not equal to the pre-emption and homestead system which we have known in our time, and which began in 1862. We had to develop a land system by years of experience and trial just as the sub-treasury plan and the system of national banks finally superseded the crudeness of the Bank of the United States and the pet bank scheme of Jackson's time.

Whatever may have been the defects of the old land system, the wonderfully flourishing community of Ohio had grown up under it; and Kentucky, Tennessee, Missouri, Indiana and Illinois were coming on with such strides that the West was spoken of as the little giant. It had already, by combining with the Northeast, decided the Presidential election of John Quincy Adams, and now, by combining with the South, it had elevated to the Presidency one of its own men, the redoubtable General Jackson.

The people of the old Northeastern States thought that the West was quite successful. But some of the westerners themselves, especially Senator Kane and Senator Benton, were inclined to think that some improvements could be made in the land laws. The lands, for example, might be given for nothing to poor but industrious settlers, who would at once go to cultivating them. A man who had gone out on wild vacant public land and begun to cultivate a patch of it, "squatted" on

it as the slang phrase was, should be given a pre-emption or first right to buy that land from the government at the minimum price instead of being treated as a trespasser and a criminal. Refuse lands which had long remained unsold at the minimum price of $1.25 per acre should have the price annually reduced 25 cents per acre, until the price fell to 25 cents.

Some of these ideas had been put in the form of bills and offered in Congress at various times for some years; and some thirty years afterwards the right of pre-emption was allowed the squatters under the modern homestead system. Two such measures were now before the Senate. One was a pre-emption bill to allow squatters the first right to buy. Thousands of these squatters were now, it was said, occupying public lands far beyond any surveys; they were meritorious, hardy pioneers of civilization who risked themselves among the Indians, and should be assisted to obtain the homes for which they had fought. But some said that a pre-emption law would merely encourage intruders and trespassers to enter all the best lands and obtain them at the minimum price; and that it was inadvisable to encourage squatters to go out beyond the surveys, because they intruded on Indian land, caused war and massacre of innocent women and children, and expense to the government.

Another land measure before the Senate was what was called a graduation bill, introduced by Benton, to reduce annually the price of the refuse inferior lands that could not be sold at $1.25 per acre. To Kane and Benton the Foot resolution seemed to have been introduced for the purpose of anticipating and forestalling these measures of pre-emption and graduation; and Benton said that a New England newspaper contained a letter giving that as the purpose of the Foot resolution.

Since the year 1803, the date of the purchase of the great Louisiana territory which included most of the region west of the Mississippi, the public land question

had loomed into still vaster proportions. That enormous region was as yet hardly peopled at all; but its possibilities inflamed every imagination. Should it be slave or free, for example? Would the protective tariff benefit or injure it? Should the government extend to it the doctrine of internal improvements? As it was purchased by the common funds, must it not be held like the rest of the public land for the common benefit of all the States?

Senator Benton was quite fanatical in his belief that New England and the Middle States were jealous of the West and inclined to check its growth to prevent their own population from migrating westward; and, although this is derided as an absurdity in biographies of Webster and even in histories, yet there is no doubt that the people of the Northeast felt uneasy about the loss of their population and talked and complained about it. Benton was very bitter in denouncing this New England feeling, and in going all lengths to exaggerate it and show that it had almost ruined the West and would in the end deliver up large portions of it to the dominion of wild beasts. As proof of the existence of the feeling, he quoted with great delight a letter written in 1813 by John Quincy Adams and published in the Boston *Sentinel* of April 18, 1827:

"I am not displeased to hear that Ohio, Kentucky, Indiana, Louisiana are rapidly peopling with Yankees. I consider them as an excellent race of people, and as far as I am able to judge, I believe that their moral and political character, far from degenerating, improves by emigration. I have always felt, on that account, a sort of predilection for those rising western States; and have seen with no small astonishment the prejudices harbored against them. . . .

"If New England loses her influence in the councils of the Union, it will not be owing to any dissemination of her population, occasioned by these emigrations; it will be from the partial, sectarian, or as Hamilton called it, clannish spirit, which makes so many of her political leaders jealous and envious of the West and South."

Such a letter coming from a New Englander was a valuable piece of evidence: and further instances of

hostility were accumulated by Benton with an animosity and a stirring up of sectional feeling that probably injured rather than helped the land measures of the West. But he was arousing this hostility, apparently, for the purpose of breaking up any political alliance or coalition between the Northeast and the West. His great object was to show that the South had always been friendly to the West and to ally the West with the South.

New England, he said, at the time of the Revolution, in order to obtain the assistance of Spain against England, had been willing to abandon the right to the free navigation of the Mississippi River, if the alliance of Spain could be obtained in no other way. This was rather far-fetched, as an instance of hostility, because New England was trying to make the best bargain possible in order to win independence from England at a time when the patriot cause had sunk very low and was believed by some to be hopeless. New England was willing to surrender the navigation for a period of twenty-five years for a valuable consideration; and Spain by assenting to such an arrangement and holding by our permission would be acknowledging our ultimate right. In fact, northern Senators completely headed off this argument of Benton's by showing that the South had in this respect been still more hostile than New England towards the West; for when suffering from British invasion and conquest the South had been willing to surrender the entire right to the Mississippi for the sake of Spain's assistance. But the whole notion was absurd; for neither New England nor the South had had in mind any real desire to injure the West.

Another New England offence was that she had introduced the regulation which required the old townships of public land to be sold out completely before the subsequent ones could be offered for sale. But this was intended to benefit the West; have its settlement advance solidly, and prevent the settlers straggling

too far out among the hostile Indians. It was an old policy adopted in colonial times, had been found to work well in New England and in Ohio; and, as Senator Sprague showed, had originated in the South rather than in New England, and was advocated by Washington.

New England, it was said, had also introduced the regulation of not selling less than 640 acres together. This was a small matter to make such a fuss over; and the minimum number of acres was afterwards reduced. But New England's crimes continued. She had voted against reducing the price of land from one dollar to sixty-two and two-thirds cents per acre; and she had opposed detaching troops in 1786 to the protection of the western settlers in Kentucky. In the vote on sending troops in 1786 it seems, however, that Massachusetts alone had voted against sending them. Connecticut was absent and Rhode Island, New Hampshire and the Middle States had voted to send the troops. It was a serious matter sending troops to Kentucky immediately after the Revolution; and in all the voting on the question Senator Sprague showed that one section of the country was not any more against it than another; and as a mater of fact, the troops were voted in the end.

Benton scraped and raked everywhere through the records to find cause of offence; and his views were very extreme. New England had refused to treat for a cession of Indian lands on the Ohio; she had opposed the Louisiana purchase; she had opposed the admission of Louisiana as a State and also the admission of Mississippi and of Missouri; and she had given no assistance in the War of 1812 against British invasion which had been so disastrous to the West.

In voting for the Louisiana purchase four New Englanders were in favor of it, and as it required a two-thirds vote, could have defeated it. To charge New England or the Northeast, as Benton did, with a desire

" to cripple and strangle the West," because some New Englanders voted against the Louisiana purchase, was a mere making up of a case. There were honest doubts as to the constitutionality of the Louisiana purchase and honest doubts as to the advisability of admitting Louisiana as a State. Jefferson himself had such doubts. The enlargement of our territory, especially the addition of slave territory, might endanger the Union; and as a matter of fact, it did; and the sudden incorporation of a foreign population like that at New Orleans was a new and serious condition.

The admission of Mississippi was the admission of more slave territory. The admission was not, it seems, seriously opposed; but in some of its stages distinguished southerners, as well as New Englanders, voted against it. In the case of Missouri, the opposition to its admission was distinctly because it was to come in as a slave State, extending slavery still farther north. Those who voted against its admission were voting to save the West from what the westerners themselves admitted to be a curse; and the members of Congress from the Northwest voted against the slavery clause.

Benton's attempt was obviously very strained, because the West had grown and prospered. New Englanders had poured into it and largely built up its prosperity. Ohio, in fact, was almost a New England community. Of the thirteen original States nine were north of the Potomac. By their votes and influence in Congress they could have ruined the West, sealed up the Mississippi, and refused to receive western States into the Union. They did exactly the reverse. " Even the five New England States," said Senator Sprague, " constituting as they did more than one-third of the whole number, might forever have excluded Louisiana and Florida, and have rejected every treaty for enlarging or confirming the privileges of the West." But instead of that they nourished and sustained the West, accepted it as a part of themselves and part of the Union,

until from being more than two-thirds the North had now become a minority.

It also suited Benton's purpose to say that since 1825, when the West had joined the Northeast in electing a New England man to the Presidency, New England had been very favorably disposed towards the West, had, in fact, courted the West in the hope of making the alliance perpetual.

These arguments on both sides anticipate somewhat the debate, but their statement seems necessary to show the conditions amidst which Foot introduced his so-called innocent resolution. If there had been no Benton in the Senate, the resolution might have been passed without much trouble, and the famous debate never have occurred; for Kane's attack upon the resolution was comparatively mild. But Benton assailed it in long and vehement speeches. Though worded in the form of an inquiry, it seemed to him to imply that there should be some stoppage of the sale of public lands and a discouragement to emigration; for emigrants, he said, would not start when they heard that the sale of lands might be cut off and the office of Surveyor General possibly abolished. He denounced it as a mere New England trick to checkmate "my graduation bill," as he called it, and to stop migration and keep laboring people in the East to work in the mills created by the accursed protective tariff.

The Senators from New England and the Middle States were for the most part opposed to Benton's graduation bill and apparently for the reason that it was a mere tampering and tinkering with the land system in a small way without going far enough to accomplish any substantial improvement. They would have preferred some method of getting rid of the speculators who were usually the only buyers at sales of the public lands. In fact, a great company had been formed for buying at these sales; and the graduation bill would not interfere with speculators. The bill, more-

over, provided for giving to the States in which they lay the lands that could not in five years be sold at the reduced prices.[1] This was quite contrary to the long-established principles of the land system, and some Senators held that Congress had not the constitutional power to give away to a State the land or property that was held in trust for the whole Union.

Senator Foot's ideas as disclosed in a speech he made at the close of the debate were that only half the land that had ever been sold by the Government was in the hands of actual settlers; the other half was in the hands of the speculators; that more lands had been surveyed and were on the market than would be sold in many years to come at the usual rate of less than a million acres per year; and that the commissioner of the land office had recommended that the number of surveyors and land offices be reduced. The limitation of sales, Foot said, would discourage only speculators, not actual settlers. He believed in the regular methodical system by which Ohio had been settled and had become such a marvel of progress. This was the New England method of advancing into the wilderness township by township, each township sold, settled, and completely self-defensive before the next one was started; no straggling of squatters far ahead to cause Indian wars and massacres.

In order to make his resolution more palatable to Benton and some others, Foot amended it by adding the words, "or whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands." But it was of no use, and the whole resolution was denounced by Benton as just as much of an attack upon the West as ever.

The country was divided at that time by geography and the conditions of transportation and trade into three distinct divisions more at variance than any

[1] Gales and Seaton's Debates, 1st Sess. 21st Congress, vol. vi, p. 413.

divisions in our time. There was, first of all, New England and the Middle States, usually spoken of in the debates as the Northeast, which were free from slavery and hated slavery, devoted to the tariff, and prospering under it. Then there was the South suffering, as it believed, great loss of money every day from the working of the tariff and devoted to slavery as a profitable institution. Third, was the West almost entirely isolated from the Northeast and even from the South, because there were no railways across the Alleghany Mountains. No products of the West could come east because it was up stream by water and over hills by land. The only possible and profitable outlet for western products was to float them down the streams that flowed into the Mississippi and down that stream to New Orleans.

These divisions were constantly suggesting the question of disunion; and slavery, though not so serious a problem as it afterwards became, was nevertheless in every one's mind. The South and West having elected Jackson President were full of confidence and inclined to assume an air of arrogance. The South felt that she had broken what to her was the dangerous alliance of the West with the Northeast, had killed the coalition, or bargain, and corruption which a few years before had elected Adams. She was jubilant; she expected the West would assist her in annulling the detested protective tariff. The West on her part was equally pleased and hopeful; for she expected the South to assist her in remodelling the public land system and in obtaining more immigrants and more rapid development. Senator Benton and Senator Hayne, of South Carolina, sat near each other, almost with their arms round each other's necks, and were continually exchanging flattering and friendly communications. The situation was ripe for all that happened; every one had a chip on his shoulder; and it would have been still more exciting if Calhoun had not been kept out of the debate. As Vice-President and presiding officer of the Senate he could

only listen to a contest into which he must have longed to enter.

Accordingly, when on the 19th of January Senator Hayne, of South Carolina, took his turn to speak in the Great Debate, he went one step farther than the others. He was the first Senator of extreme southern views to take part; and his speech marks an epoch in history. But would it ever have been heard of without Webster's reply?

Hayne criticized quite freely the whole land system of the government and made a strong bid for the favor of the West, very much as Benton had made a strong bid for the favor of the South. The debate might be described as the wooing debate. In fact, Benton suggested that name for it. The Northeast and the South were wooing the fair young maid of the West.

Hayne suggested that the lands should have been given for nothing or sold at much lower prices to the settlers; they were sold high so as to keep pauper labor in the Northeast for the manufacturing under the protective tariff; the public lands properly belonged to the western people who risked themselves in the wilderness; the National Government had no moral right to make money out of the lands and grow rich; the revenue thus accumulated would become a mere corruption fund, and, worse still, would tend to consolidate the government.

"Sir, an immense national treasury would be a fund for corruption. It would enable Congress and the executive to exercise a control over States, as well as over great interests in the country, nay even over corporations and individuals—utterly destructive of the purity and fatal to the duration of our institutions. It would be equally fatal to the sovereignty and independence of the States. Sir, I am one of those who believe that the very life of our system is the independence of the States, and that there is no evil more to be deprecated than the consolidation of this government." (Gales and Seaton's Debates in Congress, vol. vi, Part I, p. 34.)

This, with a few sentences that led up to it and followed it, was all he said that was in any way different

from what had been said by western Senators. But he made all his points with much skill; for he was an excellent speaker who could hold with a chain of reasoning the attention of any audience.

He was one of the men of bright mind and liberal associations that South Carolina then produced. He had stepped into an extensive law practice when he was barely twenty-one. He was accustomed to the wealth and social ease of Charleston life and to the practical interests and broadening influences of the plantation aristocracy. It was the great period of the Carolinians and he was one of the best of them; not so comprehensive and intellectual as the Scotch-Irishman, Calhoun, but of an equally attractive personality. His speeches do not, of course, read anything like as well as Webster's. But they were better in their delivery than in print, because his manner was alert and prompt and his personality vivacious and captivating. Though much younger than Webster, he had been longer in the Senate. Webster seems to have had a good deal of regard for him, and in a letter written many years after this debate speaks of his talents and integrity in high terms.[2] Acording to the testimony collected by his recent biographer Hayne had quite a reputation as a debater and an orator in the North as well as in the South.

Webster had been much occupied in the Supreme Court during this first half of the month of January, and had been very little of the time in the Senate. He evidently was not in sympathy with Foot's resolution. He said openly that the resolution was unnecessary; but as a New England man he did not feel called upon to follow Senator Woodbury, of New Hampshire, in opposing it. In the afternoon of the 19th of January, however, he came into the Senate with his court papers, as he says, under his arm, and heard Hayne's speech. Though he had not heard Benton's speech and the

[2] Works, National Edition, vol. xvi, p. 316.

speeches of the others, he was no doubt told substantially all that they had said, and Benton's hostile attitude towards New England was well known in the Senate.

Webster saw at once that the debate was going very strongly against his party; that New England was being put in a most unpopular position before the whole country, and that the Foot resolution should never have been offered. What was the use of irritating the West by such a resolution at a time when the obvious policy was to ally the West with New England? The resolution was accomplishing nothing except to bring before the public all the supposed instances of the Northeast's jealousy and prejudice against the West that the industry of Benton and Hayne could collect.

His own duty was clear. He would be expected to defend New England. He must do his best and show instances of her favorable regard for the West. So the next day he made a speech on these lines; and to get rid of Foot's resolution as soon as possible, he moved that it be indefinitely postponed.

In this speech on the 20th, now known as his First Reply to Hayne, he showed that the General Government had spent millions of dollars in extinguishing the Indian title to the western lands, that armies had been sent and expensive wars waged to protect the settlers from the Indians. He called to mind the campaigns of Harmar and of St. Clair, and the final campaign of Wayne, in 1794, by which, for the first time, the country northwest of the Ohio was rendered safe for settlement. In glowing terms he described the marvellous growth of the State of Ohio since that year 1794. Ohio was the wonder of development of the age. Could the land system of the government which had accomplished such results, he asked, be accused of meanness or jealousy?

All this was undoubtedly true, and it was stated in language which is still a delight to read. He showed that the public land east of the Mississippi was a gift

from the States to the General Government in trust to sell for the benefit of all. It could not be given away; if sold cheap in large quantities it would pass into the hands of speculators; the rapid growth of the whole West was proof of the beneficence of the land system and the friendly feeling of the rest of the country for the West.

Hayne had opposed the land system because it tended to make the government rich, to give it a permanent fund, and that meant consolidation. He wished to see the time when the government should not possess a shilling of permanent revenue. If he could speak the magical word, he had said, and by that word convert the whole capitol into gold, that word would not be spoken. In this sense the public debt was also an evil. It should be paid off and extinguished completely as soon as possible, because to have it or increase it also tended to consolidation.

This was the basis, the first principle of the nullification or secession argument, the assumption that the consolidation of the American States into a united national government is an admitted evil, because it will impair the free action of the individual States and prevent them resisting or annulling laws of the General Government that were injuring their interests.

In this, his first reply, Webster answered that assumption and went no further. Consolidation, he said, meant no more than the strengthening of the Union; and "no doubt the public lands and everything else in which we have a common interest tend to consolidation, and to this species of consolidation every true American ought to be attached. This is the sense in which the framers of the Constitution use the word consolidation, and in this sense I adopt and cherish it." They tell us in the letter submitting the Constitution to the consideration of the country that

"In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of

every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed upon our minds, led each State in the convention to be less rigid on points of inferior magnitude than might otherwise have been expected." (Works, Ed. 1851, vol. iii, p. 258.)

These two brief arguments, one by Hayne and the other by Webster, were as far as the debate was carried for the moment on the secession question. In many respects Webster's very brief reply on consolidation is overwhelmingly strong and has never been improved upon. It lies at the foundation of all subsequent arguments for union. The framers of the Constitution publicly announced that the instrument was intended to effect consolidation of the Union, that consolidation was necessary to national existence, and the States in voting to adopt the Constitution must have intended to adopt it as a means of consolidation. When we add to this that the old articles of confederation admittedly constituted a mere league of the States from which any State might retire when it pleased; that this was found so weak a form of government that it was useless; that the Constitution was admittedly framed to make a stronger government, was announced by its framers as a consolidation and accepted by the States with that notice, it is logical to conclude that the States in accepting the new instrument did not intend that any one of them had the legal right to secede. If they had the right to secede, what was the use of a new form of government in place of the old Articles of Confederation?

In all the subsequent twists and turns of this debate and also of the debate several years afterwards, Webster frequently harked back to this foundation statement; and it still remains unmoved and unanswered as the argument for union and nationality.

Next he took up the attacks upon New England, which, he said, was the "main occasion" for his ad-

dressing the Senate. This was the difficult part of his undertaking, and he had evidently postponed it so that he could first lay a groundwork for the favorable regard of his audience. He had done this with his argument aganst nullification and by showing that the General Government had certainly not been illiberal to the West. He must now say something that would offset the effect of that irritation against migration which had so often cropped out among the masses in New England.

New England was innocent, he said, of the protective tariff of which the West complained. The tariff had originally been carried by southern votes; and New England simply accepted it and adapted herself to it. New England, he said, had given to the West her system of land survey which prevented litigation and left the settler in peace to cultivate the soil; a far better method than the southern system which had been so productive of needless litigation. The famous ordinance of 1787 for the government of the territory northwest of the Ohio, establishing free schools and prohibiting slavery in that region, and under which that vast territory had grown so rapidly to greatness, had been drafted by Nathan Dane, of Massachusetts, and passed in Congress by the aid of Masachusetts votes. So far from being hostile to the West, New England had impoverished herself and steadily advocated measures which had drained off her own population to people the Mississippi Valley. There was not one measure favorable to the West which could have been passed without the New England votes in its favor.

He enlarged with great eloquence on this. He gave as instances the Cumberland road and the Portland Canal, which had been voted to the West; and this seems to have been true enough. In the distribution of internal improvements the West had been given her share.

His tribute of praise to Nathan Dane, as the author

of the ordinance of 1787 of the Northwest Territory, was a striking part of his speech. He compared Dane to Solon and Lycurgus and rather to Dane's advantage over those lawgivers of antiquity; and he proudly declared that this famous Ordinance for the Government of the Northwest had been carried in Congress by New England votes. Here he unfortunately overstepped the mark; and Benton was quick to point out that the famous ordinance was first reported by a committee of Congress in 1784, two years before Dane was in Congress. The non-slavery clause of it was moved by Mr. King, of New York, in 1785; and not until 1786 was the ordinance approved by a committee of which Dane was a member; and when finally adopted by Congress it was carried as much by southern as by northern votes. Eight States were present, three northern and five southern, and they all voted for it.

Webster afterwards explained this by saying that the ordinance when first prepared by the committee was in the form of mere resolutions, and that Dane, when he was put on the second committee, arranged these resolutions in the final form. It was, he said, like the Declaration of Independence which Jefferson drew up from ideas which had been often voted and resolved in the assemblies and other popular bodies of the country.

Webster was very good at these escapes. He had not been a quarter of a century at the bar for nothing. He closed by quoting from a speech of Mr. McDuffie, a member of Congress from South Carolina, who in 1825 had complained that Webster was urging the building of highways to the West. Such roads, McDuffie had said, were very injurious to the South because they impoverished her by drawing away her population to the West. The West was settling fast enough without injuring the South by this artificial method of drawing away her people.

This was a good point, and very irritating to Hayne,

because it showed that the South had complained of the drawing away of her population just about as much as the Northeast had complained. It had, in fact, been a universal complaint of the whole Atlantic seaboard. It had not been serious in any effects on the West; the people migrated westward all the same; but western politicians like Benton worked it up into political capital to suit their purposes.

As soon as he sat down Benton rose, and in a very effective speech called attention to the mistakes in regard to Nathan Dane and the votes of New England, which have been mentioned. Webster, in closing, had moved that the Foot resolution be indefinitely postponed, and Benton in high delight commented on this as a confession of weakness. The Senator from Massachusetts, he said, is accepting my ground against the resolution. He saw that it would ruin his party; that the South and West were allied against it. He fears to bring it to a direct vote. He would slip it aside by a postponement. His method is ingenious, "that of starting a new subject, and moving the indefinite postponement of the impending one."

The following day, January 21, Senator Chambers, of Maryland, a great friend and admirer of Webster, suggested a postponement of the debate because Mr. Webster had engagements in the Supreme Court. But Hayne objected. He saw, he said, the gentleman from Massachusetts in his seat, and presumed that he could make arrangements that would enable him to be present. He was unwilling that the subject should be postponed.

"He would not deny that some things had fallen from that gentleman which rankled here (touching his breast) from which he would desire, at once, to relieve himself. The gentleman had discharged his fire in the face of the Senate. He hoped he would now afford him the opportunity of returning the shot.

"*Mr. Webster:* I am ready to receive it. Let the discussion proceed."

Benton then spoke for about an hour in continuation of his speech of the day before. These speeches by Benton gave Hayne time to prepare himself; and as soon as Benton finished, Hayne began a very elaborate speech, and the ablest he had ever made; in many respects one of the most telling speeches that up to that time had been delivered in the Senate. Though so different in method and manner from those of Clay and without Clay's peculiar felicity of language, it yet deserves to be ranked with some of the best by that distinguished Kentucky statesman. We can measure the quality of it when we consider that it roused Webster as no speech in Congress had ever roused him before. It forced him to a defence which has become a classic.

A large part of Hayne's speech was composed of what may be called local hits, clear enough to the people of that day, but which now require an explanation. For this reason, and because of some ugly statements, very unpleasant for many years to northern ears, it has been the custom in describing the debate to confine quotations to Webster's reply. But the events of secession are now far enough in the past for a more liberal view and for as fair an analysis of Hayne's argument as it is possible for a northerner to make.

Hayne's first object was to try to connect Webster with the old "bargain and corruption," the turning over of the Clay electoral votes to be added to those of John Quincy Adams, and make him President in exchange for the Secretaryship of State for Clay, and perpetual distribution of the Presidency and honors between the Northeast and the West. To connect a statesman's name with the old "bargain and corruption" superstition, the coalition, as it was called in polite language, was, in those days, as already explained, one of the most effective smirches that could be given.

Hayne began by complaining that Webster had attacked him as making charges of New England's

hostility to the West, when, as a matter of fact, those charges had been made principally by Senator Benton.

"Why is this? Has the gentleman discovered in former controversies with the gentleman from Missouri that he is overmatched by that gentleman? And does he hope for an easy victory over a more feeble adversary? Has the gentleman's distempered fancy been disturbed by gloomy forebodings of new alliances to be founded at which he hinted? Has the ghost of the murdered coalition come back like the ghost of the murdered Banquo, to 'sear the eyeballs' of the gentleman and will not 'down at his bidding?' Are dark visions of broken hopes and honors lost forever, still floating before his heated imagination? Sir, if it be his object to thrust me between the gentleman from Missouri and himself in order to rescue the East from the contest it has provoked with the West, he shall not be gratified. Sir, I will not be dragged into the defence of my friend from Missouri. The South shall not be forced into a conflict not its own. The gentleman from Missouri is able to fight his own battles. The gallant West needs no aid from the South to repel any attack which may be made on them from any quarter. Let the gentleman from Massachusetts controvert the facts and arguments of the gentleman from Missouri—if he can; and if he win the victory, let him wear its honors. I shall not deprive him of his laurels."

This was to make it appear that Webster's ambition for the Presidency or other high office in the government had led him into the "bargain and corruption," and now that the bargain or coalition had been killed or murdered by the alliance of the West with the South and the election of Jackson, Webster was going about as a disappointed man, constantly haunted by the ghost of the murdered coalition. Therefore, he dared not attack Benton, who was one of those who had killed the alliance of the East with the West and was now cementing more securely the alliance of the West with the South. It was clear enough; but there was an error in the application of the quotation from Shakespeare which, as we shall see, Webster was quick to seize upon.

After trying to connect Webster with the "bargain

and corruption," Hayne's second principal object was to attack the conduct of Webster and New England in the War of 1812, show the unpatriotic conduct of New England, and her strong leaning to disunion, which, he said, completely cut her off from all right to criticize any tendency to disunion in South Carolina, and, in fact, fully justified South Carolina in protecting herself by disunion or nullification from the iniquities of the protective tariff as New England had protected herself by threats of disunion from what she believed to be the iniquities of the embargo. He took full advantage of the mistake Webster had made in exalting Nathan Dane as a Solon.

"Sir, I doubt not the Senator will feel some compassion for our ignorance, when I tell him, that so little are we acquainted with the modern great men of New England, that, until he informed us yesterday, that we possessed a Solon and a Lycurgus in the person of Nathan Dane, he was only known to the South as a member of a celebrated assembly called and known by the name of 'the Hartford Convention.' In the proceedings of that assembly, which I hold in my hand (at page 19), it will be found, in a few lines, the history of Nathan Dane; and a little further on, there is conclusive evidence of that ardent devotion to the interests of the new States, which, it seems, has given him a just claim to the title of 'Father of the West.' By the 2d resolution of the 'Hartford Convention,' it is declared, 'that it is expedient to attempt to make provision for restraining Congress in the exercise of an unlimited power to make new States, and admitting them into the Union.' So much for Nathan Dane, of Beverly, Massachusetts."

In order to make the disunion tendency of New England appear the greater crime, he exalted the devotion of South Carolina to the Union, especially in the Revolution.

"If there be one State in this Union (and I say it not in a boastful spirit) that may challenge comparison with any other for an uniform, zealous, ardent, and uncalculating devotion to the Union, that State is South Carolina. Sir, from the very commencement of the Revolution, up to this hour, there is no sacrifice, however great, she has not cheerfully made; no service she has ever hesitated to perform." . . .

"What, sir, was the conduct of the South during the Revolution? Sir, I honor New England for her conduct in that glorious struggle. But great as is the praise which belongs to her, I think at least equal honor is due to the South. They espoused the quarrel of their brethren with a generous zeal, which did not suffer them to stop to calculate their interest in the dispute. Favorites of the mother country, possessed of neither ships nor seamen to create commercial rivalship, they might have found in their situation a guarantee that their trade would be forever fostered and protected by Great Britain. But trampling on all considerations, either of interest or of safety, they rushed into the conflict, and, fighting for principle, perilled all in the sacred cause of freedom. Never was there exhibited, in the history of the world, higher examples of noble daring, dreadful suffering, and heroic endurance, than by the whigs of Carolina, during that Revolution."

This was all perfectly true. No one could deny it. Hayne was certainly speaking well—more than well, eloquently. And in the War of 1812, called in derision by New England, said Hayne, "the southern war," what was the conduct of South Carolina? The war was for the protection of northern shipping and New England seamen.

"What interest had the South in that contest? If they had sat down coldly to calculate the value of their interests involved in it, they would have found that they had everything to lose and nothing to gain. But, sir, with that generous devotion to country so characteristic of the South, they only asked if the rights of any portion of their fellow-citizens had been invaded; and when told that Northern ships and New England seamen had been arrested on the common highway of nations, they felt that the honor of their country was assailed; and, acting on that exalted sentiment, 'which feels a stain like a wound,' they resolved to seek, in open war, for a redress of those injuries which it did not become freemen to endure."

Then followed a terrible arraignment of Massachusetts, her subserviency to England, her excuses for England's brutality and cruelty to our sailors, that England had done us no essential injury, that instead of seizing our ships she had protected them, that if she had taken sailors from our vessels it was by mistake, because she could not distinguish them from her own.

The conduct of Massachusetts, declared Hayne, was in that war so unpatriotic and disgraceful, her acts in opposing the war so shameless, that her "own legislature, but a few years ago, actually blotted them out from the records, as a stain upon the honor of the country."

"Nothing was left undone to embarrass the financial operations of the Government, to prevent the enlistment of troops, to keep back the men and money of New England from the service of the Union, to force the President from his seat. Yes, sir, 'the Island of Elba! or a halter!' were the alternatives they presented to the excellent and venerable James Madison. Sir, the war was further opposed by openly carrying on illicit trade with the enemy, by permitting that enemy to establish himself on the very soil of Massachusetts, and by opening a free trade between Great Britain and America, with a separate custom house. Yes, sir, those who cannot endure the thought that we should insist on a free trade in time of profound peace, could without scruple claim and exercise the right of carrying on a free trade with the enemy in a time of war; and, finally, by getting up the renowned 'Hartford Convention,' and preparing the way for an open resistance to the Government, and a separation of the States. Sir, if I am asked for the proof of those things, I fearlessly appeal to cotemporary history, to the public documents of the country, to the recorded opinions and acts of public assemblies, to the declaration and acknowledgments, since made, of the Executive and Legislature of Massachusetts herself." . . .

"But I will ask, with what justice or propriety can the South be accused of disloyalty from that quarter? If we had any evidence that the Senator from Massachusetts had admonished his brethren then, he might with a better grace assume the office of admonishing us now." . . .

"At this dark period of our National affairs, where was the Senator from Massachusetts? How were his political associates employed? 'Calculating the value of the Union?' Yes, sir, that was the propitious moment, when our country stood alone, the last hope of the world, struggling for her existence against the colossal power of Great Britain, 'concentrated in one mighty effort to crush us at a blow'—that was the chosen hour to revive the grand scheme of building up 'a great Northern Confederacy'—a scheme which, it is stated in the work before me, had its origin as far back as the year 1796, and which appears never to have been entirely abandoned. In the language of the writers of that day (1796), 'rather

than have a constitution such as the anti-Federalists were contending for (such as we now are contending for), the Union ought to be dissolved.'"

We can see now why for many a long year Hayne was the idol and hero of the South and of the Democrats of the North. As an attack his speech was hardly inferior to some of the famous invectives of the world. His argument that Webster and the New Englanders had no right to rebuke the South for disunion sentiment was, of course, fallacious. New England had been in the wrong in 1812, but that did not make Carolina right when preaching the same disunion in 1830. She should have learned better in twenty years. New England had repented of her sin. Hayne himself had cited the resolution of the Massachusetts Legislature repudiating the doctrine of 1812. To say that the mouths of Webster and his constituents were forever closed, that they could never rebuke in others the evil of which they had repented, was illogical, impractical and inexpedient. But as a slap at New England and Webster this disclosure of their sin and repentance was very telling and delighted those who wanted to hear it. It had in it so much of the stump speech effectiveness that it was the most important part of Hayne's reply. It would be going too far to say that this part of his speech prevented Webster from ever attaining the Presidency or even a nomination for it. But certain it is that the objection given out by a section of his party on a certain occasion for not nominating him was that he had been a Federalist; that, in short, he was vulnerable to this sort of stump speech attack for his opposition to the War of 1812. As that war receded into the past it became more and more glorious, and those who had opposed it more and more unpopular in spite of all repentance.

Many of the minor passages of Hayne's speech are full of interest and throw a great deal of light on the history of the times. In fact, the speech is a mine of

historical information. His defence of slavery as it then existed in the South, that it had indirectly contributed to the wealth of the North, that though theoretically an evil it was practically a blessing, is as clever as any defence of it that has ever been made. He put forth some of his best efforts at this point; for he had been greatly irritated by Webster's restrained but ill-concealed contempt for the "peculiar institution." He got back at him by expressing the contempt and pity common among southerners at that time for those "outcasts of the world," the "free people of color" of the North.

"Sir, there does not exist, on the face of the whole earth, a population so poor, so wretched, so vile, so loathsome, so utterly destitute of all the comforts, conveniences and decencies of life, as the unfortunate blacks of Philadelphia, New York and Boston. Liberty has been to them the greatest of calamities, the heaviest of curses. Sir, I have had some opportunities of making comparisons between the condition of the free negroes of the North and the slaves of the South, and the comparison has left not only an indelible impression of the advantages of the latter, but has gone far to reconcile me to slavery itself."

He assailed what he considered Webster's inconsistency in opposing the tariff of 1824 and advocating the subsequent tariff of 1828, the "bill of abominations."

"Sir, if I had erected to my own fame so proud a monument as that which the gentleman built up in 1824, and I could have been tempted to destroy it with my own hands, I should hate the voice that should ring the 'accursed tariff in my ears.'"

Hayne tried hard to answer Webster's argument that the object of the Constitution, when adopted by the States, was consolidation.

"Sir, the gentleman is mistaken. The object of the framers of the Constitution, as disclosed in that address, was not the consolidation of the Government, but 'the consolidation of the Union.' It was not to draw power from the States, in order to transfer it to a great National Government, but, in the language of the Constitution itself, 'to form a more perfect

union.' And by what means? By 'establishing justice,' 'promoting domestic tranquillity,' and 'securing the blessings of liberty to ourselves and our posterity.' This is the true reading of the Constitution. But, according to the gentleman's reading, the object of the Constitution was to consolidate the Government, and the means would seem to be the promotion of injustice, causing domestic discord, and depriving the States and the people 'of the blessings of liberty' forever."

This distinction between consolidating the Union and consolidating the government was an absurd one; and he misconstrued what Webster had said. If the Union is consolidated, necessarily the government is consolidated to the same extent. Hayne had reserved for the close a constitutional argument; but it was very weak and made a poor ending for his speech. He had none of Webster's skill in leading up to a powerful climax at the end.

His final argument was nothing more than a mere recital of the well-known Virginia and Kentucky resolutions, as they were called, which had appeared as the doctrines or creed of his party in 1798, when it was much incensed against the alien and sedition laws of Congress and inclined, like the New Englanders of 1812, to hold Hartford conventions, and talk about the rights of a State as somewhat more important than the Union. The Virginia resolutions had said that—

"In case of a deliberate, palpable and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights and liberties appertaining to them."

The next year the subject was again gone over in Virginia, and on a report by Madison the doctrine was reiterated in merely different language.

"The States then being the parties to the constitutional compact, and in their sovereign capacity, it follows of necessity that there can be no tribunal, above their authority to decide in the last resort."

This might mean merely the right of revolution, which neither Webster nor any one else denied. If any government becomes absolutely intolerable the people, as a last resort, may, of course, change it by force. This was a recognized American doctrine, set forth originally in the Declaration of Independence. The last resort is, of course, revolution and the sword. But the question at issue in 1830 was whether a State had the right peacefully and under the Constitution to nullify Acts of Congress or retire from the Union.

The Kentucky resolutions, drafted by Jefferson, declared:

> "That the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would make its discretion, and not the Constitution, the measure of its powers; but as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

This again may mean merely the right of revolution. But if each State can "judge for itself" in every instance, and this is a peaceable right under the Constitution, then the Union under the Constitution is exactly the same as it was under the old Articles of Confederation.

The essential weakness of these Virginia and Kentucky resolutions was that they were mere party assertions for political purposes, and like all such assertions somewhat vague and general. They might mean, as some Virginians maintained, that a State, under the circumstances mentioned, had the right to protest and remonstrate, but nothing more.

As soon as Hayne closed his speech Webster rose to reply; but as it was late in the afternoon the Senate adjourned, which gave Webster the floor next day, the 26th of January, a great day in his life. The galleries and the Senate Chamber itself had been crowded with visitors to hear Hayne. A lady sat in his chair while

PORTRAIT OF WEBSTER BY HARDING
In the possession of J. Carroll Payne, Esq.

he stood speaking by her side.[1] Now every available place was again filled; and the crowd extended out into the corridors and down the staircases. Webster had never, he afterwards said, spoken "in the presence of an audience so eager and so sympathetic." His notes for a speech that fills seventy pages of print were written with great brevity on five pages of letter paper. But they had evidently been written merely to start the subject in his mind. He had no need to refer to them. "All I had ever known," he said, "seemed to be floating before me."

But there were not a few friends both of him and of the northern cause who were filled with anxiety and feared that he would never be able to answer the onslaught of Hayne. Edward Everett in great uneasiness went to his house that evening, and, finding him cool and serene, thought he was not aware of the magnitude of the contest. He asked him if he had taken notes of Hayne's speech. "Yes," said Webster, taking from his vest pocket a piece of paper no bigger than the palm of his hand. "I have it all; that is his speech." The truth was that though apparently with little time for preparation he had had in reality the preparation of years. He had prepared himself several times before for public land speeches and constitutional speeches.

Before he rose to speak they say that another anxious friend passing near his seat said in a low voice, "Are you loaded, Senator?" To which he grimly replied: "Seven fingers," a jest which referred to the muzzle-loading shotguns of those days which, when heavily charged, caused the ramrod to stand out seven fingers above the muzzle.

He began his reply with a passage that has often been admired; and as delivered by his powerful presence and deep voice, it was, no doubt, very impressive:

[1] Mrs. S. H. Smith, "First Forty Years of Washington," p. 310.

"Mr. President: When the mariner has been tossed for many days in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude, and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and, before we float farther on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution before the Senate."

He showed how the debate had wandered. He disposed of preliminary matters. He had been in the Supreme Court when Benton's attack on the East had been delivered and had not heard it. He selected Hayne's speech for a reply because he had heard it.

"Sir, I answered the gentleman's speech because I happened to hear it, and because, also, I chose to give an answer to that speech, which, if unanswered, I thought most likely to produce injurious impressions. I did not stop to inquire who was the original drawer of the bill, I found a responsible indorser before me, and it was my purpose to hold him liable, and bring him to his just responsibility without delay."

He ridiculed the notion that he had avoided Benton because he feared to be overmatched; and then he addressed himself to the coalition, the "bargain and corruption" which was supposed to have made Adams President. It really had nothing to do with the merits of the debate; but every Whig usually had to defend himself from it at some time, either by a duel like Clay's with Randolph, or repeated public denials. The only defence was a denial. The charge could not be proved; it could merely be asserted with more or less innuendo; and the answer was necessarily no different. In Webster's case the attempt to fasten it on him was very strained. Hayne had to do it by a confusion of words and a very obvious misapplication of the story of Banquo's ghost. It would be Benton, the murderer of the coalition, who would be afraid of its ghost, not any of the coalition's friends, and the passage in which

Webster brought this out has always been one of the most popular of the reply.

"But, Sir, the honorable member was not, for other reasons, entirely happy in his allusion to the story of Banquo's murder and Banquo's ghost. It was not, I think, the friends, but the enemies of the murdered Banquo, at whose bidding his spirit would not down. The honorable gentleman is fresh in his reading of the English classics, and can put me right if I am wrong; but, according to my poor recollection, it was at those who had begun with caresses and ended with foul and treacherous murder that the gory locks were shaken. The ghost of Banquo, like that of Hamlet, was an honest ghost. It disturbed no innocent man. It knew where its appearance would strike terror, and who would cry out, a ghost! It made itself visible in the right quarter, and compelled the guilty and the conscience-smitten, and none others, to start, with

> 'Pr'ythee, see there! Behold!—look! lo
> If I stand here, I saw him!'

"Their eyeballs were seared (was it not so, Sir?) who had thought to shield themselves by concealing their own hand, and laying the imputation of the crime on a low and hireling agency in wickedness; who had vainly attempted to stifle the workings of their own coward conscience by ejaculating through white lips and chattering teeth, 'Thou canst not say I did it!' I have misread the great poet if those who had no way partaken in the deed of the death, either found that they were, or feared that they should be, pushed from their stools by the ghost of the slain, or exclaimed to a spectre created by their own fears and their own remorse, 'Avaunt! and quit our sight!'"

Webster then very unexpectedly turned the story of Banquo against the South, and with a forecast of the events of the next forty years that was quite remarkable.

"There is another particular in which the honorable member's quick perception of resemblances might, I should think, have seen something in the story of Banquo, making it not altogether a subject of the most pleasant contemplation. Those who murdered Banquo, what did they win by it? Substantial good? Permanent power? Or disappointment, rather, and sore mortification; dust and ashes, the common fate of vaulting ambition overleaping itself? Did not even-handed

justice ere long commend the poisoned chalice to their own lips? Did they not soon find that for another they had filed their mind? That ambition, though apparently for the moment successful, had but put a barren sceptre in their grasp? Ay, sir,

> 'a barren sceptre in their gripe
> Thence to be wrenched with an unlineal hand
> No son of theirs succeeding.'

"Sir, I need pursue the allusion no farther. I leave the honorable gentleman to run it out at his leisure, and to derive from it all the gratification it is calculated to administer. If he finds himself pleased with the associations, and prepared to be quite satisfied, though the parallel should be entirely completed, I had almost said, I am satisfied also; but this I shall think of, yes, sir, I will think of that."

The meaning here was that although the South had succeeded in murdering friendliness between the Northeast and the West, yet the South would gain nothing from it in the end. They would not win permanent power; the West would not in the end go all the way with them in their extreme plans of nullification and secession. This warning was literally fulfilled. The South secured the assistance of the West in abolishing the tariff for a time, and in protecting slavery; but in the end, the West deserted the South; the tariff was restored, slavery abolished, and nullification and secession completely discredited.

One of the most tiresome notions of that time was that a statesman must remain perfectly consistent from childhood to old age and never change his opinions. It was absolutely silly, because all men and communities, if not entirely stupid, change their minds. But dignified Senators were constantly attacking one another on this ground, and a large part of Hayne's speech was made up of this sort of catch-penny stump oratory. One of the most effective parts of Webster's reply was that in which he showed that South Carolina had passed through changes of opinion; had voted for internal improvements which she now opposed, and voted for the protective tariff which she now opposed by threatening

to destroy the Union. She had voted for the protective tariff of 1816 which was to promote the interests of manufacturers of southern cotton to the injury of the Calcutta cotton trade, which brought profits to New England ship-owners.

"Yes Sir, I pursued in all this a South Carolina track on the doctrines of internal improvement. South Carolina, as she was then represented in the other house, set forth in 1816 under a fresh and leading breeze, and I was among the followers. But if my leader sees new lights and turns a sharp corner, unless I see new lights also, I keep straight on in the same path. I repeat, that leading gentlemen from South Carolina were first and foremost in behalf of the doctrines of internal improvements, when those doctrines came first to be considered and acted upon in Congress. The debate on the bank question, on the tariff of 1816, and on the direct tax, will show who was who, and what was what, at that time."

"The tariff of 1816 (one of the plain cases of oppression and usurpation, from which, if the government does not recede, individual States may justly secede from the government), is, Sir, in truth, a South Carolina tariff, supported by South Carolina votes. But for those votes, it could not have passed in the form in which it did pass; whereas, if it had depended on Massachusetts votes, it would have been lost."

This was a hard hit; and both Hayne and Calhoun labored for years to explain it away by saying that Carolina had voted for the tariff in 1816 because in some respects it reduced the duties. But it was an avowed protective tariff all the same; and in the appendix to his speech as printed, Webster quoted passages from Calhoun's speeches defending the tariff of 1816 as a protection and encouragement to infant industries.

Webster defended New England by connecting in a most striking way the doctrine of internal improvements with the most enlightened and lofty union sentiment; and it was the wonderful union sentiment in this speech that has given it distinction and permanent value. If it had been merely an answer to "local hits" and charges of inconsistency neither it nor Hayne would have been so much heard of.

"'What interest,' asks he, 'has South Carolina in a canal in Ohio?' Sir, this very question is full of significance. It develops the gentleman's whole political system, and its answer expounds mine. Here we differ. I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters, as being an object large and extensive enough to be fairly said to be for the common benefit. The gentleman thinks otherwise, and this is the key to his construction of the powers of the government. He may well ask what interest has South Carolina in a canal in Ohio. On his system, it is true, she has no interest. On that system, Ohio and Carolina are different governments, and different countries; connected here, it is true, by some slight and ill-defined bond of union, but in all main respects separate and diverse. On that system, Carolina has no more interest in a canal in Ohio than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true result of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio."

"Sir, we narrow-minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the States, not as separated, but as united. We love to dwell on that union, and on the mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. . . .

"Sir, if a railroad or canal beginning in South Carolina and ending in South Carolina appeared to me to be of national importance and national magnitude, believing, as I do, that the power of government extends to the encouragement of works of that description, if I were to stand up here and ask, What interest has Massachusetts in a railroad in South Carolina? I should not be willing to face my constituents. These same narrow-minded men would tell me, that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who was not large enough, both in mind and in heart, to embrace the whole, was not fit to be intrusted with the interest of any part."

That was one of the finest passages of the reply, has been read with delight by millions, and has been quoted hundreds of times.

Webster defended New England from Hayne's

charge of sectionalism and disunion sentiment in 1812 by the defence already given, the only one that could be given, namely, that New England had changed her mind and repented, and that her sin of disunion in 1812 was no excuse for South Carolina's disunion of 1830.

"New England has, at times, so argues the gentleman, held opinions as dangerous as those which he now holds. Suppose this were so; why should he therefore abuse New England? If he finds himself countenanced by acts of hers, how is it that, while he relies on these facts, he covers, or seeks to cover, their authors with reproach? . . .

"It is enough for me to say, that if, in any part of their grateful occupation, if, in all their researches, they find anything in the history of Massachusetts, or New England, or in the proceedings of any legislative or other public body, disloyal to the Union, speaking slightingly of its value, proposing to break it up, or recommending non-intercourse with neighboring States, on account of difference of political opinion, then, Sir, I give them all up to the honorable gentleman's unrestrained rebuke; expecting, however, that he will extend his buffetings in like manner to all similar proceedings, wherever else found."

Then came a famous passage which has stirred the whole country ever since; and it is said to have been delivered as he glanced at a group of Massachusetts people in the audience.

"Mr. President, I shall enter on no encomium upon Massachusetts; she needs none. There she is. Behold her, and judge for yourselves. There is her history; the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain forever. The bones of her sons, falling in the great struggle for Independence, now lie mingled with the soil of every State from New England to Georgia; and there they will lie forever. And, Sir, where American Liberty raised its first voice, and where its youth was nurtured and sustained, there it still lives, in the strength of its manhood and full of its original spirit. If discord and disunion shall wound it, if party strife and blind ambition shall hawk at and tear it, if folly and madness, if uneasiness under salutary and necessary restraint, shall succeed in separating it from that Union, by which alone its existence is made sure, it will stand, in the end, by the side of that cradle in which its infancy was

rocked; it will stretch forth its arm with whatever of vigor it may still retain over the friends who gather round it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin."

The ground being now cleared of the rubbish of supposed inconsistencies and personalities, Webster addressed himself to South Carolina's legal argument for nullification and secession. He began in a very neat way by showing that when Massachusetts had believed the embargo law unconstitutional and had talked about disunion she did not undertake to say that she, as a State, would nullify that law. In spite of all her complaints, all her disunion sentiment, she nevertheless admitted that only the Supreme Court of the United States could decide the question of the constitutionality of the embargo. To the Supreme Court she took the question, and when it decided against her and in favor of the embargo law she accepted the situation and all disunion sentiment became mere history.

That was the exact opposite of the South Carolina method based on the Virginia and Kentucky resolutions. According to Hayne and South Carolina the general government was the creature of each of the States severally, so that each could construe its acts and accept or reject them. The government was the servant of four and twenty masters, of different wills and different purposes, and yet bound to obey them all. Webster went on to show the impossible condition that would result from each State construing the Constitution in its own way.

"The tariff is a usurpation; it is a dangerous usurpation; it is a palpable usurpation; it is a deliberate usurpation. It is such a usurpation, therefore, as calls upon the States to exercise their right of interference. Here is a case then within the gentleman's principles, and all his qualifications of his principles. It is a case for action. The Constitution is plainly, dangerously, palpably and deliberately violated, and the States must interpose their own authority to arrest the law. Let us suppose the State of South Carolina to express this same

opinion, by the voice of her legislature. That would be very imposing; but what then? Is the voice of one State conclusive? It so happens that, at the very moment when South Carolina resolves that the tariff laws are unconstitutional, Pennsylvania and Kentucky resolve exactly the reverse. They hold these laws to be highly proper and strictly constitutional."

"What is to be done? Are these States both right? Is he bound to consider them both right? If not, which is in the wrong? or rather, which has the better right to decide? And if he and I are not to know what the Constitution means, and what it is, till those two State legislatures, and the twenty-two others, shall agree in its construction, what have we sworn to when we have sworn to maintain it?"

The vice in the argument of the Virginia and Kentucky resolutions was, that while they laid down as foundation principles that the government was the mere creature or agent of the States, they showed no way by which the States could agree as to the manner of controlling the agent. Webster laid down and proved the now generally accepted doctrine that the general government was not created by the States, but by the people; and the people had also created the State governments. The people were the sole creators and masters of the whole situation. Constitutional questions, violations of the Constitution, were to be settled by the people through frequent elections, by the decisions of the Supreme Court, and by the power to alter and amend the Constitution provided in the instrument itself. Beyond that there was nothing but revolution and the sword.

This was the most powerful and complete argument that had thus far ever been stated in either court or forum against nullification and secession. It is the part of the reply which lawyers and statesmen value more than any other. Its technical details finished, Webster turned again to union sentiment, and gently led his hearers to that famous peroration which closed the Reply to Hayne.

"I have not allowed myself, Sir, to look beyond the Union, to see what might lie hidden in the dark recess behind.

I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this government whose thoughts should be mainly bent on considering, not how the Union may be best preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that in my day, at least, that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken, dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured, bearing for its motto, no such miserable interrogatory as 'What is all this worth?' nor those other words of delusion and folly, 'Liberty first and Union afterwards'; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart,—Liberty and Union, now and for ever, one and inseparable!"

Hayne immediately replied at considerable length to Webster. It was late in the afternoon, and not being able to say all he wished on the constitutional question, the omitted arguments were afterwards added in his printed speech. The first part of his reply contained nothing of much importance. Webster's speech had shown so clearly the uselessness of charges of inconsistency and change of mind, when every one of any sense was guilty of them, that Hayne accepted the situation and spent much time showing that his own changes of mind on the tariff and internal improvements had been proper ones. The charge that South Carolina

was adopting the doctrines of the Hartford Convention he could answer only by saying she was using them in a time of peace and for a peaceful purpose. She would not use them as New England had done when the country was at war. "We Carolinians," said Hayne, "would not take advantage of the difficulties created by a foreign war to wring from the Federal government a redress even of our grievances. We would first fly to the defence of the country, and after that demand our constitutional rights."

In fact, Hayne was driven so far from most of his positions that his last speech was largely an attempt to show that South Carolina's nullification theories were really methods of saving the Union and that he was more of a union man than Webster.

He strove hard to restore the doctrines of the Virginia and Kentucky resolutions. He did this by explaining the theory on which they were supposed to rest, namely, that the Constitution was a compact between the States; that the States came together and formed this compact. But he could not stop there and say that the States were the only parties to it, because the answer would be that the Constitution, being the written evidence of the compact of the States, contained several clauses not only restricting State action, but providing that Acts of Congress should be the law of the land and that the Supreme Court should decide all questions arising under that law of the land. This answer would again deliver him into Webster's hands. So he went a step farther and said that there was another party to the compact, namely, the general government itself, created by the compact; that is to say, the States came together and made a compact or contract creating a general government, and then this general government immediately became another party to the compact.

The parties to the compact thus being the States and the general government, it could not be supposed that one of those parties, namely, the general government,

had the sole authority to interpret the terms of the compact. Each party must be the judge and interpreter, because all were equal and there was no superior.

No difficulty would be experienced with this method, he said. There would be no armed collision between the State and Federal government; no treason, no rebellion. A State having formally declared certain legislation of Congress unconstitutional the burden would then be upon Congress to ask, in the manner provided, for an amendment to the Constitution giving it the power the State had denied. The Constitution provided that it could be amended by vote of three-fourths of the States. This was the only way in which the compact could be changed; and to this amending power, that is to three-fourths of the States, must the appeal be made when a State and the Congress came in conflict. It was a perfectly peaceful method. If the Congress obtained the amendment then it would have the power it wanted; if not, then it must rest content.

Why, he asks, should not each sovereign State have this right of decision as well as the Supreme Court at Washington? The court can decide only the cases that arise in litigation involving Acts of Congress. It cannot decide great questions of sovereignty like the tariff and internal improvements. These sovereign questions should be left to the decision of the sovereign States.

It was certainly a most magnificent plan for State rights. Any one State might deny, nullify and declare unconstitutional any congressional legislation, even legislation involving the most ordinary and expressly given powers of Congress. The burden would then be on Congress to obtain justification from three-fourths of the States or abandon its legislation as regards the objecting State. The Constitution would have to be amended every time one State chose to protest. While the long process of amendment was being gone through the law would not be enforced at all; or would be enforced in most of the States and unenforced in one.

The tariff, for example, might be enforced in the ports of Boston, New York and Philadelphia, and goods come in free at Charleston. Truly the Union would be, as Webster said, a rope of sand. The conditions would be the same as they were under the old Articles of Confederation upon which the Constitution was intended to be an improvement.

All Hayne's reasoning, every new process he started, simply led round and round in the same circle; round again to the rope of sand and the old Articles of Confederation. He argued that if the general government transgressed, each State had a right to check it by nullifying the offending law. But if all the parties to the compact were, as he said, sovereigns and equals, then the general government, being a sovereign equal, had a right to check a State. So the compact would be merely a league of sovereigns like the old Articles of Confederation.

In fact, in one part of his speech, he had said that the States were like nations. There would be no difficulty when one of them was brought into collision with the general government on a constitutional question. It would simply be a common case of difference of opinion between sovereigns as to the true construction of a compact. "Does such a difference of opinion necessarily produce war? No. And if not among rival nations, why should it do so among friendly States?"

He did not seem to realize that he had argued the Constitution completely out of existence and had gone back to the old Articles of Confederation. In the beginning of his argument it had suited his purpose to make the general government a party to the contract and a sovereign; but in the end it was the States that had the sole right to check and nullify; and the sovereign party called the general government could only yield.

But it was all, he assures us, a plan to preserve the Union. This devotion to the Union was a common

accompaniment of nullification arguments, sometimes as a preface, sometimes as a peroration. The ordinances of secession dissolving the connection with the Union passed by the southern States in the Civil War were in several instances preceded by expressions of the greatest devotion to the Union and followed by expressions of the greatest regret at parting from it.

But the Great Debate was by no means finished. Webster replied again, addressing himself to the new phase of the nullification argument which Hayne had attempted. He had no difficulty in destroying it; for Hayne had ruined his own argument by saying that the general government was one of the parties to the compact.

"For the purpose of erecting the Constitution on the basis of a compact, the gentleman considers the States as parties to that compact; but as soon as his compact is made, then he chooses to consider the General Government, which is the offspring of that compact, not its offspring, but one of its parties; and so, being a party, has not the power of judging on the terms of compact. Pray, Sir, in what school is such reasoning as this taught?" . . .

"For the same reason, Sir, if I were now to concede to the gentleman his principal propositions, viz., that the Constitution is a compact between States, the question would still be, what provision is made in this compact to settle points of disputed or contested power, that shall come into controversy? And this question would still be answered, and conclusively answered, by the Constitution itself. . . . The Constitution declares that the laws of Congress shall be the supreme laws of the land. No construction is necessary here. It declares also with equal plainness and precision that the judicial power of the United States shall extend to every case arising under the laws of Congress."

This was bringing the question back to the words of the Constitution. The nullification argument was always flying from the words and arguing on supposition and general or metaphysical principles.

"The gentleman says, if there be such a power of final decision in the General Government, he asks for the grant of that power. Well, Sir, I show him the grant—I turn him to

the very words—I show him that the laws of Congress are made supreme; and that the judicial power extends, by express words, to the interpretation of these laws. Instead of answering this he retreats into the general reflection, that it must result, from the nature of things, that the States being parties must judge for themselves."

In other words, Hayne had felt obliged to show that the government was a mere party to a compact and not a government, because if he once admitted it to be a government, the words of the Constitution endowed it with powers of final decision and made it obviously a stronger government than he would like to have it.

But the Constitution was not a compact. It did not describe itself as a compact made by the States. In its opening paragraph it declares that it is ordained and established by the people of the United States. It does not even say that it is established by the people of the several States, but it declares that it is established by the people of the United States in the aggregate. It does not call itself a compact, but a constitution, which is quite a different thing from a compact.

Webster was already a very prominent and distinguished man, but for some years after these replies to Hayne his popularity throughout the North and West and among Whigs and union-loving people in the South seemed to become boundless. The second reply is said to have been more extensively read within the six months following its delivery than any other speech that had been made in Congress since the establishment of the government. It was reprinted in newspapers all over the country, and when that failed to satisfy the demand thousands of pamphlet copies were circulated. The majority of our people were, as they have always been, on the side of nationality and union; and from innumerable sources letters of congratulation, admiration and gratitude poured in upon Webster. It has been given to few, if to any other man, in history, to create such a situation and to triumph in such an epoch-making crisis by the mere delivery of two or three

speeches in debate. The oratory, the eloquence, the wide sympathy, knowledge and experience, the romantic and picturesque imagination, the classic and simple taste and literary genius had elevated and dignified the whole subject and had given it a place in the intellect and hearts of Americans that it had never occupied before. Thirty years afterwards millions of northerners laid down their lives for the principles, the purposes and the sentiment of the Reply to Hayne.

Webster had performed his task; but the Great Debate on Foot's Resolution rolled on for the rest of January, for February and March. During April and most of May other subjects were taken up. But for a few days near the end of May the discussion was raised again and closed May 22d. In those periods the resolution was called up almost every day, and with most infinite variety of point of view and argument the Senators beat over the whole history of the country, internal improvements, Hartford Convention, tariff, slavery, nullification and secession, refought the War of 1812 and the Revolution. They restated the constitutional arguments of Webster and Hayne often with new and enlightening illustrations, and reanalyzed, redrafted, or tore to pieces the Constitution. Senators would sometimes begin their remarks with humorous statements of the situation; usually to the effect that they hoped they would not be considered out of order if they occasionally referred to the resolution before the House. As Barton said, it was the Senate's saturnalia. It was a period of remarkable ability; and it is commonly said that never before or since has the Senate contained such a high average of intellect and of independence. It was this condition which had roused Webster to such heights of reasoning and eloquence. He never could have delivered such speeches to an ordinary audience. He was always very susceptible to his hearers; he always measured his effort by them; and in the Senate he knew that his utmost effort would be appre-

ciated. He gave it and there was no disappointment. He was unexpectedly rewarded by the appreciation of the whole country.

As this remarkable debate continued the point of order was raised one day, possibly as a joke, that nearly the whole thing was irrelevant to the resolution before the House. But it was useless to try to stop such high-strung Senators. They were men of ideas, full of the learning of lawyers, of the reading of history, of the experience and studies of lifetimes; they were glorying in their opportunity; and the chairman, no doubt with a smile, overruled the well-taken point of order.

Benton had followed Webster in a speech lasting three days, in which he continued his onslaught on the Northeast and his wooing of the South. He attacked internal improvements, because not enough money had been spent on them in the West and most of the money had been spent in the East; and he made the money spent in the West seem small by leaving out of the count the money spent in Ohio. He attacked the Cumberland road because it was not yet completed and did not reach distant parts of the West. It reached only Ohio, which for his purposes he chose to consider as part of the Northeast. Ohio was the only really prosperous part of the West in those days. More money had been spent on it for internal improvements because there were more people there and more reason for the improvements.

Benton was a vast talker, the most long-winded of Senators, hardly a grain of wheat in a bushel of chaff. He actually went so far towards the verge of silliness as to complain of the appropriations for navy yard, fortifications and lighthouses as an injury to the West, because they were for the exclusive benefit of the Atlantic coast. Finally, he let the cat out of the bag, and showed his arrant sectionalism by announcing that the West wanted no communication with the East whatever, no canals or roads across the Alleghanies. "Every canal

and every road," he said, "tending to draw the commerce of the western States across the Alleghany Mountains is an injury to the people of the West. They must trade with New Orleans alone and make that their great city." [3]

The puerility of his ideas was perhaps the reason why Webster always ignored him and thought it not worth while to reply to arguments which were their own refutation. Other Senators disposed of him. Sprague, of Maine, in one of the best speeches of the debate, tore Benton's historical illustrations to tatters. A few days later, Sprague's colleague, Senator Holmes, of the Dartmouth College case, continued the service, leaving Benton not even a crutch to stand upon. These two speeches in point of historical research and detail were more valuable than Webster's; but, of course, not capable of the same circulation and popularity. Sprague was a Democrat, of Benton's own party, but had declined to accept Jackson. In fact, Benton was so extreme, so inaccurate and so impolitic in his attacks upon the North, that he aroused sectionalism more than even Democrats and nullifiers thought necessary. Several of his own party turned against him; and his own colleague, Barton from Missouri, denounced him for having lighted the flame "of sectional prejudice, local animosity and civil discord." There was a party in the West, Barton said, that called the East a cruel stepmother; but he did not belong to it and in his opinion "the Government of the Union has been kind, parental and indulgent to the West." Curiously enough, Hayne's colleague said the same thing and denied Hayne's statements that the West had been ill-treated by the Northeast.

This was brought out more and more in the debate as details were disclosed. Holmes called attention to the act of March 2, 1821, by which the government

[3] Gales and Seaton's Debates, vol. vi, p. 115.

released $9,000,000 to western debtors under the old credit system. Every sixteenth section of public land was given for school purposes, five per cent. of the sales of lands was used for western roads, lands were given for colleges, money forfeited for non-compliance with conditions of sales had been returned, special favor had been shown Missouri, the government maintained a military force there for escorting the State's Mexican traders through the desert.

In March Senator Johnston, of Louisiana, delivered an excellent speech in which he placed Benton and the whole attack upon the North in their true light. "I am a western man," he said, "and the advocate of western interests;" and he charged Benton with endeavoring to build up a party in the West hostile to New England and the Middle States. He denied Benton's right to speak in the name of the whole West. Benton, he said, was injuring his own cause and the cause of the West.

"What is the great interest of the Western States at this moment? To obtain some modification of the land system more favorable to the settlement of the West. And how does he propose to accomplish this object? By assailing the whole North, by charging them with systematic hostility to the West for more than forty years. He has ransacked the archives, collected every fact, arrayed every charge, and presented them under the highest coloring, to prove what can only exist in his imagination—a settled policy, steadily pursued on the part of the North to stifle the birth and cripple the growth of the West, until he has driven every member, from a sense of pride, into an opposition to every scheme he may recommend." (Gales and Seaton's Debates, vol. vi, p. 277.)

At the very close of the debate Benton got in another speech, in which he tried in vain to restore some of his shattered historical illustrations, assailed Webster, and frantically declared that after all it was the South and not the North that was the true friend of the West.

The final result was that Webster's motion to postpone indefinitely the Foot resolution was carried out in

a somewhat different form by laying the resolution on the table.[4] Benton's graduation bill was amended, the part giving the land away after five years cut out, so that the bill merely made three prices for the public land: one dollar and twenty-five cents per acre for new land, one dollar for lands on the market for three years without sale, and seventy-five cents for such lands to actual settlers. In this form the bill was passed by the southern and western Senators, outvoting the Northeast; but the bill failed in the House of Representatives and never became a law.[5]

There is said to have been considerable demand throughout the country for the speeches of very nearly all the Senators who spoke at any length. This demand, no doubt, kept the debate going and roused the ambition of the Senators. The people felt that they were being educated; and to read through the debate to-day is a liberal education. But of all the speeches none are now remembered or known except two, Hayne's and Webster's; and of these Webster's is the only one that is still read. Most people, even biographers of the two men, seem to know of Hayne's speech only through what Webster said of it.

It is a most striking illustration of literary genius, the divine gift, the power of him who speaks winged words, as Homer would say; and Kipling has illustrated it in the prehistoric fable of the tribe who, finding one of their number, who could speak these words that "lived and walked about," killed him as too dangerous to safe mediocrity.

[4] Journal of the Senate, 1st Session 21st Congress, p. 316.

[5] Gales and Seaton's Debates, 1st Sess. 21st Congress, vol. vi, pp. 426, 427; House Journal, 1st Sess. 21st Congress, p. 700; Journal of Senate, 1st Sess. 21st Congress, pp. 291, 292.

XI

THE WHITE MURDER TRIAL—JACKSONIAN POLITICS—BANK OF THE UNITED STATES—MARSHFIELD

Webster's heavy labors in the Supreme Court and the Senate and the thunders of applause for his speeches on nullification were still at their height when we catch a glimpse of this many-sided man indulging himself in one of his favorite tastes as if he were a person of elegant leisure and nothing particular had happened. He was reading Moore's "Life of Byron," and wondering how he could get a copy of Dr. Johnson's edition of Shakespeare.

Farming, sport and his studies in literature must have always occupied a large part of his waking thoughts. Very likely this was the food by which his mind really lived and which gave him freshness to perform such Herculean efforts of intellect.

In that summer of 1830 following the Reply to Hayne, he took part as counsel for the prosecution in the White murder trial in Salem, Massachusetts, in which he made a speech, passages of which are certainly equal to anything in the Reply to Hayne, and, in the opinion of some, superior. He was in wonderful form for eloquence during that year 1830.

Joseph White, a wealthy merchant, eighty-two years old, had been found murdered in his bed one morning in Salem, with thirteen stabs and a blow, as of a club, on the head. It was a murder which would now, in our time of almost universal homicide and only two per cent. of convictions, attract only passing attention; but in that day of comparative freedom from such crimes it created an excitement which we can hardly understand. The people of the town were so astounded at such an event that for days carpenters and smiths

could be heard along all the streets putting bolts and fastenings to doors and windows. "Many for defence furnished themselves with cutlasses, firearms and watch dogs."[1] A vigilance committee was appointed and the Legislature ordered a special session of the Supreme Court to try the persons suspected.

The curious circumstances of the discovery of the murderers and the details of the trial cannot be given space in this volume. One of the most striking passages from Webster's speech has already been quoted in Chapter II. Nor can we go deeply into the question whether or not he received a fee from the family of the murdered man to assist the prosecution. Such fees were forbidden by statute. Webster's assistance had been asked by the Attorney-General and the Solicitor-General, who were advanced in years. When the question was raised in the course of the trial Webster told the court that he had received no fee in that trial and expected none. Apparently he was neither offered nor promised any fee in any of the trials of the different defendants; but after the trial of one of them, the principal, he appears, according to the biography by his literary executor, Mr. Curtis, to have accepted a fee from the family of the murdered man. The trials were a great excitement of the day, passages from Webster's speeches to the jury have been reprinted and quoted innumerable times, and added greatly to his reputation, which, indeed, was in one sense all made in this year 1830. It was certainly raised to a most unexpected height.

From the remotest corners of the Union came letters of admiration, requests from every kind of organization, from fishing clubs up to Bible societies, desiring to enroll him among their honorary members. His sayings and doings were becoming household words; innumerable anecdotes of his eloquence, his legal victories and his powerful character were circulating far and

[1] Works, Edition of 1851, vol. vi, p. 42.

wide; almost every child knew his opinions and principles; there was no man in the country, not even Jackson or Clay, who was any better known; and those two remarkable men, though more popular perhaps in the ordinary sense among the masses, failed to arouse the admiration and wonder which Webster's high talents and genius drew from even his opponents. All this overwhelming distinction pointed one way, and many of the letters he received frankly informed him that he must become the candidate for the Presidency against General Jackson when that popular idol went before the public for a second term.

The Jacksonian methods as well as the methods of the nullifiers had destroyed the era of good feeling, and political parties were forming again and looking about for leaders and candidates. The old Democratic party, Republican as it had called itself, the only party in existence during the era of good feeling, was now split into two divisions. One division was following the Jacksonian personality and leadership and the nullification and State sovereignty ideas of Calhoun, and the other was following the ideas of Webster and Clay on protective tariff, internal improvements and strong nationality and Republicanism as opposed to mere Democracy. The first division had now accepted the name of Democrats instead of Republican. The second division had given themselves the name of National Republicans and gathered to their fold the people like Webster, who many years before had been Federalists. They were, in fact, the legitimate successors of the Federalists. Later they were called Whigs, and at the outbreak of the Civil War were succeeded by what is still known as the Union Republican party.

Webster and Clay's party, the National Republican, was founded on the protective tariff, internal improvements, the Bank of the United States, and, of course, the integrity of the Union and opposition to nullification. Jackson and the Democrats opposed all these

except that Jackson himself and some of his party were Union men and enemies of the southern nullifiers. But Jackson's opposition to nullification seemed to arise more from his imperious temper than from any belief that nullification was a constitutional error. He believed himself to be the government, and he would brook no attack which was so obviously an overthrow of his own power. He regarded the national government as a pure democracy rather than as a republic of checks and balances and fixed departments. He believed himself to have been elected by the great Democratic majority for the purpose of sweeping everything before him and turning everything his way and their way while his four years of power lasted. He denounced nullification because it did not suit him; but when the Supreme Court made a decision that did not suit him, as in the dispute between Georgia and the Cherokee Indians, he refused to allow the decision to be executed, and openly set the court and its judgment at defiance. He recognized no final arbiter of what the Constitution meant except himself.

Henry Clay's popularity and claims to a nomination at the hands of the National Republicans were about as strong as Webster's. Both men regarded the nomination as a very distinguished honor; but would do nothing to interfere with each other. The National Republican nominating convention was to meet in Baltimore. But as time approached a curious disturbance of the political situation arose from the appearance of a third party, the anti-Masons, one of the most curious freaks of our history. A certain person named Morgan, who had been a Free Mason and had withdrawn from the society, was believed to have been abducted and murdered in 1826 at Batavia, New York, to prevent his revealing the secrets of the order. It is now generally believed that there was no truth in the story of his murder; but for several years after 1826, increasing numbers of people put full faith in it. A belief gained

ground that the Masonic order was a danger to society and to American government; and soon this belief became the foundation of a political party that was strong enough in 1831 to decide to nominate candidates of its own for the Presidency.

These anti-Masons seemed to draw their recruits very largely from the ranks of the National Republicans, and they threatened to upset all calculations of the friends of Webster as well as of the friends of Clay. Webster was not a Mason and rather opposed to secret societies. Clay was a Mason, an "adhering Mason," in the slang of the time, because in spite of the supposed revelations he refused to renounce Masonry and withdraw from his lodge.

Clay's possibilities of election being thus weakened and the anti-Masons inclining to nominate Mr. Wirt, as their own candidate, it was suggested to Webster that he discourage the nomination of Mr. Clay and at the same time remind the anti-Mason leaders that no one but himself had any chance of being elected against General Jackson. He would, in this way, it was urged, probably secure the nomination of both the anti-Masons and of the National Republicans, a combination which would have excellent chances of success against Jackson's party. But Webster declined. He believed in the principles of the National Republican party. He would not be a candidate on the platform of any other party. He would not mix up the principles of the National Republicans with the proscriptions and temporary narrowness of the anti-Masons. He would not for the sake of winning half a victory for the National Republicans or a whole victory for himself consent to the offering of such concessions to the anti-Masons as would enable them to dictate the candidate for the whole opposition and reduce the contest to their own level.

He had been for some time contemplating a trip to the western States. He had many pressing invitations; and it would have been a triumphal progress of speech-

making and entertainment. But it would be, in effect, an invasion of Clay's region; it would be construed as a move against him; and though anticipating much pleasure and information from such an excursion, Webster gave it up. He took the ground that even if Mr. Clay had been weakened as a candidate for the Presidency by the anti-Mason defection, he had, nevertheless, a large and devoted following all over the country who would be much disturbed and might break up the newly-formed National Republican party if it failed to nominate him. That party must at all hazards be preserved as the only one competent to oppose the Jacksonian heresies.

The National Republican convention which met in Baltimore in the summer of 1831 nominated Mr. Clay for President and Mr. John Sargeant, of Philadelphia, for Vice-President. The anti-Masons nominated Mr. William Wirt; and both Republican and anti-Mason candidates were overwhelmingly defeated in the election of 1832 by the Jacksonian Democrats. "Old Hickory" was again President, with his apt pupil and friend, Martin Van Buren, for Vice-President.

In this year 1831 the agitation in the North against the negro slavery in the southern States may be said to have begun. William Lloyd Garrison, a Boston newspaper editor, began his crusade in this year, and the Anti-Slavery Society was formed. He and his followers were soon given the name Abolitionists; other societies were organized; and though not attracting very serious attention in 1831, the movement soon influenced the whole political thought of the time and deeply affected Webster's political career.

Jackson's reign of eight years was a period of remarkable development in the United States, and a time when many powerful elements of our modern civilization besides the anti-slavery movement got under way. In the beginning of Jackson's first term there were no railroads in America. At the end of his second

term there were over 1500 miles in operation. The screw propeller was introduced on steamboats instead of the side wheel; coal came into use on locomotives and steamboats in place of wood; friction matches were invented; public schools were adopted in almost every State; the normal school system for training teachers was begun; and also the modern form of newspaper, cheap, of wide circulation, and intense activity in gathering news.

Deeply grateful to President Jackson for his whole-souled condemnation of the nullifiers, Webster had always been somewhat loath to "break ground" against him; but now, throughout this session of Congress,—from December, 1831, to July, 1832,—both Webster and his party, the National Republicans, were arrayed in opposition to the choleric old soldier President.

Jackson was credited in the popular mind with much honesty and sincerity of purpose. But whether he was any more so than other Presidents or people may be questioned. He was tricky enough; but managed to have his tricks, like the Clay "bargain and corruption," performed by others while he stood aloof as the innocent but daring and audacious hero of the people. His picturesque violence of speech and action was the foundation of his popularity; from this headlong violence the masses inferred that he must be honest; and finding, much to his own surprise, that his supposed failing was a source of political power, the old fellow worked it to the utmost in all manner of poses. This violence had given him his first distinction in the frontier life of Tennessee, where, when a judge, he is said to have rushed from the court room and seized with his own hands a ruffian whom the sheriff hesitated to arrest. In Webster's visit with Ticknor to Monticello in 1824, Jefferson told him that Jackson, when a Senator, could never make a speech, because of the violence of his feelings. "I have seen him attempt it repeatedly," said Jefferson, "and choke with rage."

Such a man, when President, naturally begot violence all about him. His dismissal of thousands of office-holders merely to reward his own followers was alone a large cause for indignation and resentment. But in addition to that he put violence into everything, small matters as well as great. He could not make the most trifling decision or suggestion without posing in an almost insane desire to crush and destroy every one that he suspected of opposing it. His opponents could be as violent in language as he, and there have consequently been few periods in our history when political discussion has been so acrimonious and vindictive.

Of the three objects of Jackson's fury—the protective tariff, internal improvements, and the United States Bank—the Bank received the largest share of his attention. In the debates on continuing the existence of the United States Bank, Webster took a prominent position against the administration. The Bank had been chartered in 1816, and there had been a similar bank chartered in 1791, both of them regarded as an almost absolute necessity for a new country and a new government. The government was growing rich, had vast sums to hold and disburse, but no place to keep this money except the pockets of officials or various private banks, of uncertain reliability, scattered over the country. How was the revenue to be collected through all the post offices, land offices and custom houses scattered over thousands of miles with inadequate communication? How, for example, was the money collected at the important custom house at New Orleans to reach Washington? How was the government at Washington to make a payment at New Orleans?

A special corporation called the Bank of the United States was, therefore, created by Congress to be both a public institution for the deposit and disbursement of the public money, and at the same time a private corporation for its own profit. By its branches all over the country it would collect the public money from cus-

tom houses, post offices, and land offices, and by these same branches make payments for the government in distant places in the far West and South. It was bound to transmit government funds from one place to another without expense; so that a dollar in New Hampshire or Maine would be a dollar at St. Louis or New Orleans. By issuing notes of a recognized value throughout the whole country the Bank would also tend to correct the very serious evil of a currency largely composed of the notes of State banks of varying value. We have so long been accustomed to a uniform currency all over the Union that we can now hardly appreciate the nuisance and absurdity of those State bank notes varying in value in different localities. Our modern business would be impossible under such a system.

There were about four hundred of these State banks and the notes of each were necessarily limited and local in their credit. They could not be used to send money or make payment at any distance. It was a form of sectionalism which made a most serious problem for the people of that time. The United States Bank had largely solved it because its notes of the same value everywhere could be used for making payments at a distance. In this way the Bank was steadily relegating the State bank notes to the merest local uses.

The Bank was intended also to serve the function of lending money to the government in time of need. All these functions were very important in the crude, in fact, barbaric condition of our finances in those early days; and nowhere do we find this usefulness of the Bank so well and clearly set forth as in Webster's speeches. The charter of the Bank was for twenty years, and would expire in 1836. A bill to renew the charter was introduced in this session of 1832, so that if the Bank was not to be continued, four years would be given it to wind up its affairs. This gave Jackson the opportunity he had long desired, of destroying it.

It had always been an unpopular institution among the radical Democrats. They were jealous of its power; they believed it to be a source of corruption which would grow worse with time; that deposits of government money in it were manipulated to enrich its officers, and that its managers tried to punish or reward public men for opposing or helping it. In the many years that have since elapsed we have had vast experience with powerful financial institutions, the insurance companies, the Standard Oil, and innumerable trusts and monopolies, and in the light of all this it seems as if the Democratic view of the Bank was a sound one. The Bank had been very valuable, had, in fact, been almost a necessity for many years to correct the irregularities in the varying currency of the States; and it was still very valuable. Such institutions as private banks, more or less connected with government finance, were familiar in European history. But in the peculiar conditions of American politics ours was likely to become a colossus, with too much power for one institution and too much of an interference in politics. With the increasing wealth and population of the country the Bank might become more powerful than the government. The Democratic suspicion of its present corruption and interference in politics might be exaggerated, but in time the exaggerations would be simple facts. The opposition was already accusing Jackson of having attempted to control, for his own advantage, the election of a board of managers of one of the Bank's branches. The Bank would evidently soon become an object of control for both parties; it would become more injurious than useful; and the sooner a simpler method was devised to take its place the better. But to invent a simpler and less injurious method was the difficulty.

To Webster and the National Republicans, and, indeed, to the majority of both Houses of Congress, in this year 1832, any danger of corruption or misuse of the Bank seemed very slight, and they voted to renew its

charter. Webster remained a bank man to the end of his days, and was supported in this by a very large part of the most conservative and best informed people of the time. They could see no prospect of success in any substitute or in any other method.

When, however, the bill renewing the charter of the Bank was brought to Jackson for his signature, he vetoed it on the ground that Congress had no constitutional authority to create a bank, that the Bank was a private monopoly, dangerous to liberty and likely to pass into the control of foreigners in times of war through their ownership in its stock. It was, no doubt, well for us to get rid of the Bank; and in this respect it has been said of Jackson that his instinct was right, although his reasons and violence were wrong. As to his instinct being right, you could have said the same of any man you picked up in the street and made President. A President of the United States is supposed to have something more than instinct. He is supposed to be capable of reasoning and of giving correct reasons for his conduct. Jackson's reasons were shown by Webster, and are generally admitted to have been mere demagogue absurdities, mere posing in his assumed character of the valiant protector of the poor against the rich. The Bank had been accepted as constitutional by lawyers and statesmen for forty years. The Supreme Court had held that Congress had full authority to incorporate a bank as a necessary means of carrying on the functions of government, and regulating the coinage. Few, if any, persons, even in the President's own party, had any doubt on the subject. But in "Old Hickory's" mind, the decision of the Supreme Court was nothing. He detested the principle that the Supreme Court was the final arbiter or interpreter of the Constitution, and in his veto message he set forth his theory that there was no final arbiter of what was and what was not constitutional, but that each department of the government could interpret the Constitution for itself. "The

opinion of the judges," he said, "has no more authority over Congress than the opinion of Congress has over the judges; and on that point the President is independent of both." In other words, although he had taken an oath to execute the laws, he might decide that some of them were unconstitutional and refuse to execute them, although the Supreme Court had declared them constitutional.

Legal confusion, social disorder, and anarchy would be the inevitable consequences of Jackson's principles if once established. He developed most evil influences in American political life. He was, as Webster showed, a most potent influence to inflame the poor against the rich; and he and his followers spread this feeling in America, together with a belief in the virtue of ignorance, illiteracy, coarseness, and trickery, as a means of government against which Webster struggled with all his might and our better statesmen have been struggling ever since. Webster's speech was an admirable one, full of dignity and respect for the President, a striking contrast to the scurrility and crude abuse of the times; but step by step, with much courtesy, destroying the President's argument and setting forth that balanced theory of constitutional interpretation, with the Supreme Court as the accepted interpreter, which is now universally accepted by American lawyers.

But the Bank could not be rechartered. The bill could not be passed over the President's veto, and four years later, when its charter expired, it went out of existence. Many years of disordered finance, panics and bankruptcies followed, while we struggled with the Jacksonian substitutes of pet banks and other schemes until we settled down to the modern sub-treasury plan and national banks secured by government bonds. We were well rid of the Bank, it must be confessed; and the process by which we finally found our financial level was perhaps no more painful and destructive than other processes in nature or the wars by which great political questions are often settled.

BANK OF THE UNITED STATES

In the year 1832 a question arose which brought out Webster's broad and national point of view. Mr. Van Buren, when Secretary of State, some three years before, had prepared instructions for Mr. McLane, then going as minister to England, and in these instructions, which related to our trade with the British West India colonies, Van Buren had commented with considerable asperity on the conduct of his political opponents in the late administration of John Quincy Adams, and had even instructed McLane to remind the British government that a different set of persons were now in power who would better understand how to negotiate with the British Crown. This carping partisan tone in a diplomatic paper, which was supposed to emanate from the people and the nation and not from a faction, was considered very outrageous by Webster and the Whigs. But no opportunity for a conspicuous punishment came until 1832, when President Jackson appointed Mr. Van Buren minister to England, and he had gone abroad accredited to the British Government before his appointment could be acted upon by the Senate. The Senate rejected the nomination and forced upon Mr. Van Buren the mortification of returning home. It is supposed to have been a political mistake on the part of the Whigs, because it made a martyr of Van Buren and contributed to the popularity which afterwards enabled him to attain the Presidency. But as a conspicuous punishment, it no doubt enforced upon all future secretaries of state, ministers, ambassadors and consuls the importance of remembering that they represent their country and not a party. Webster's tone was a fine specimen of that upbuilding of a national spirit to which he was devoted.

"Sir, I submit to you, and to the candor of all just men, if I am not right in saying that the pervading topic through the whole is, not American rights, not American interests, not American defence, but denunciation of past pretensions of our Government, reflections on the past Administration, and exultation and a loud claim of merit for the Administration

now in power. Sir, I would forgive mistakes; I would pardon the want of information; I would pardon almost anything where I saw true patriotism and sound American feeling; but I cannot forgive the sacrifice of this feeling to mere party. I cannot concur in sending abroad a public agent who has not conceptions so large and liberal as to feel that, in the presence of foreign courts, amidst the monarchies of Europe, he is to stand up for his country, and his whole country; that no jot nor tittle of her honor is to suffer in his hands; that he is not to allow others to reproach either his Government or his country, and far less is he himself to reproach either; that he is to have no objects in his eye but American objects, and no heart in his bosom but an American heart; and that he is to forget self, and forget party, to forget every sinister and narrow feeling, in his proud and lofty attachment to the republic whose commission he bears."

From these questions we can willingly turn for relief to the Thomas farm at Marshfield, on the coast of Massachusetts, where for eight years the Websters had spent part of almost every summer. It now became theirs by purchase. Captain Thomas had become too old for the management and it was considered best both for himself and his children that he should sell the place. The intimacy and friendliness of the families living together so many summers had been unusual, and now that the place had become his own Webster insisted on Captain Thomas and his wife remaining there, which they did until the death of the captain in 1837. It was no part of the bargain, but simply Webster's wish and characteristic of his methods. He continued to speak of the place as if it still belonged to the captain. "Captain Thomas and Mrs. Thomas," he would say, "are a part of Marshfield, and it can never be the same without them." At the same time he was paying for everything; and lavishing immense sums on buildings, improvements and the purchase of additional land.

Although Marshfield was the name of the township, it soon came to mean in history and literature Webster's farm. The distinguished men of that age were known

by their farms and country places as much as by their statecraft; and it would be as difficult to separate their characters from their chosen retreats as to separate Washington from Mount Vernon. Henry Clay with his thoroughbreds at his beloved Ashland, where the same strains of racers are still bred by his family; Jefferson with his saddle horses, his books and his carpenter shop at Monticello; Madison at Montpelier; old Jackson at the Hermitage; and Webster at Marshfield, are characteristic and attractive pictures of the time. Some modern atlases still mark "Webster Place" on the map of Massachusetts; and it has been said that a letter addressed "Daniel Webster, Marshfield," would have reached its destination from any part of the world.

Of Jackson, his biographer, Parton, has said that farming and horses were the only form of business he understood; he failed at everything else except war. His Hermitage was a small but beautiful and most productive farm with one hundred and fifty acres. His delight in a fine cotton field and his interest in his horses, slaves and friends were like his devotion to his wife, the redeeming features of a not altogether useful career. His eye, it is said, would flash as in battle, and he would rise almost to the heights of eloquence when examining a high-bred horse and explaining the combination of beauty and power in its form. The broadness and hospitality of life at the Hermitage, as described by Parton, seem doubly attractive now in an age when those conditions are no longer so easily found, even in the South.

Webster's farm, with acres continually added, included in the end a large part of the township. The house was about a mile from the ocean, and between the house and the shore was a small stream or inlet from the sea called Green Harbor River or Cut River. The explorer entering the mouth of this stream found it turning northward and running with two branches about parallel with the beach for some two miles, making hun-

dreds of acres of green marsh and meadow-lands, the natural feeding ground of wild fowl, plover and snipe. The ridge of sea beach was a rampart to these meadows on the east and the wooded, stony hills bounded them on the west. At the foot of the wooded hills stood the Webster house. Another little stream from the ocean farther south made a second series of those marshes, which had evidently far back in colonial times given the name to the township.

On the beach, Brant Rock extended for several hundred yards into the sea. In certain winds, especially northeasters, the brant in their semi-annual migrations along the coast passed near enough to this rock to afford sport; and even now they not infrequently give the same opportunity. Ducks could also be shot for several miles out by means of boats and decoys; and in summer the fishing was excellent. Even now, although summer cottages and cheap boarding houses line the beach, the wild game tries to seek its old haunts; and one pleasant day that I spent there in May, 1910, I heard the plaintive notes of the plover and snipe in the marshes.

There was also deer hunting, and Webster occasionally indulged in it. A good many deer were to be found at that time not far from Marshfield in a district nearly twenty miles square, called the Plymouth Woods, filled with a great number of ponds, numbering, it is said, nearly two hundred. Loons and wood ducks frequented these ponds and eagles built their nests in the forest trees. Over one thousand and sixty deer were killed there in 1831. It was the sort of wild life which in our time we have had to seek in the Adirondacks or northern Maine.

One of the ponds was called Billington Sea because Francis Billington, one of the Pilgrims of the *Mayflower,* discovered it from the top of a tree; and about the same time, January, 1621, two other trusty Pilgrims, John Goodman and Peter Brown, had the first deer hunt

of which we have any account in this country. They found one of the lakes and from the borders of it a mastiff and spaniel they had with them chased a deer into the forest. They followed, armed only with sickles, lost their way, spent the night in a snowstorm, and in their veracious narrative declare that they heard two lions roaring very near them. So they stood by a tree all night ready to climb up when the lions came. "But it pleased God," they say, "so to dispose that the beasts came not." [2]

It was in Webster's time a sportsman's paradise; and although the land was sandy and not supposed to be fertile he set to work with great enthusiasm to study its capabilities and improve it. He had apple orchards, rich pasturage, fine crops of turnips and carrots, as well as corn, wheat and garden products. He was the first farmer in that region to use kelp, or sea weed, hauled from the beach as a fertilizer. He also used as fertilizer the small fish called menhaden or moss bunkers, a species of herring found in summer time a little way off shore in enormous numbers. These were taken in nets and spread over his land. In our time they are taken to be manufactured into oil and the refuse into fertilizer. He is said to have enormously increased the productiveness of his land, as well as the land of his neighbors, who profited by his example and also by his fine breeds of cattle and sheep. There is not much now to be seen upon the place; but in his day the buildings, according to his private secretary, numbered two or three dozen, outhouses, tenant houses, dairyman's cottage, fisherman's house, gardener's house, agricultural office and several large barns. Poultry, guinea hens, peacocks, ducks, a flock of tame wild geese on a little lake, with the Devon oxen, Alderneys, Herfordshires, Ayrshires, and horses made Marshfield almost a permanent cattle show. Then there were innumerable fruit

[2] Lyman, Memorials of Webster, vol. ii, pp. 73, 74.

trees and forest trees, most of them planted by his own hands. He delighted in tree planting; was very indignant with people who would not plant a tree because they might not live to enjoy its full shade, and was fond of quoting against them Stephen Girard, who said that he would plant a tree if he knew he were to die to-morrow.

It was no wonder that he was not only satisfied but absorbed and delighted. On his arrival he was so eager that he would often throw his travelling bag into the hall, and, without going into the house, hasten to the barn to see his favorite oxen.[3] He loved broad expanses, a wide horizon. He never could have satisfied himself with a villa, or an ordinary country place with its trim walks, artificial pond, and solemn drives with a coachman. Mere "martin boxes," he called such places. He had no taste or fondness for indoor amusements. "He never played a game of chess or checkers, or billiards, or ten-pins in his life"; and it is said that he was equally ignorant of cards, unless it was whist, a game which he would play with ladies. Nothing short of a large farm was enough, and it required two or three to satisfy him; and there must be farmers for miles round him, so that he could go on long exploring expeditions among them. "He liked large things," says Parton, "the mountains, elms, great oaks, mighty bulls and oxen, wide fields, the ocean, the Union, and all things of magnitude. He liked great Rome far better than refined Greece, and revelled in the immense things of literature, such as 'Paradise Lost,' the 'Book of Job,' 'Burke,' 'Dr. Johnson,' and the 'Sixth Book of the Æneid.'"

He had a lust for the free movement and power of nature and animal life. In his last illness he asked to have his great oxen led round near the window, where

[3] This characteristic was communicated to me by Judge Edgar Aldrich of New Hampshire, who learned it in a conversation with Porter Wright, Webster's farm superintendent.

he could see them. He loved the fascinating flight of game, the changes in nature, the growth and decay; every leaf and branch was dear to him; he planted trees to mark events; even the fish in the water charmed him and roused his imagination and eloquence.[4]

His hunger and passion for all these manifestations of power were insatiable. His delight in the early morning; in fact, his worship of it; and the beautiful things he has said of it are among the most touching scenes of his life. He loved the plunge of a boat in the seas, and a gun that shot strong and true. He was never ashamed of delight in simple pleasures. He was like the old fellow who would not give up the hammer gun because he loved to see the hammers work and would not give up black powder because he loved to see the smoke.

Contrary to what has been sometimes said, he was fond of horses, though not as devoted to them as he was to the slow, solemn oxen. Over the grave of one of his best roadsters he placed a Latin inscription, "*Siste Viator! Viator te major hic sistit.*" (Stop traveller; a greater traveller than you stops here.)

So fond was Webster of natural history, that he is said to have intended writing a book to be called the "Natural History of Marshfield," "from the mouth in part," he said, "of Seth Peterson and edited by Daniel Webster," and he had collected many notes for this work. It was suggested, no doubt, by that delightful book White's "Natural History of Selborne." He was a great friend of the naturalist Audubon; often had him out at Marshfield; obtained numerous birds for him, and among others, the Canada goose, from which Audubon drew the fine picture in his "Birds of North America."[5]

Few men have shown these tastes and qualities so

[4] Full descriptions of Marshfield will be found in Harvey's Reminiscences of Webster, in Lanman's Private Life of him, and Lyman's Memorials.

[5] Lanman, Private Life, p. 93.

intensely, and fewer still have combined them with such ascendency in oratory, law and statesmanship. Macaulay, Burke and Chatham were wonderful parliamentary orators; but Macaulay was a mere city man; and Chatham and Burke, after their parliamentary labors, had no strength left for Webster's pleasures. The vital force in Webster must have been extraordinary. It impressed every one; and Carlyle, after seeing him in London, is reported to have said that he had often heard of American physical degeneracy, but had never seen such a magnificent specimen of it.

The family farm, The Elms, or, more correctly, the Elms Farm, at Franklin, New Hampshire, he had secured for himself as a sentiment. He bought more land for it, and went there occasionally, often spending weeks. But it never could take the place of Marshfield. There was not enough to do, and above all, he could not be with the ocean. "At Franklin," he used to say, "I can see all in two days, but at Marshfield I can go out every day in the year and see something new." At the same time he seems to have had much enjoyment at The Elms. He writes from there of "traversing the mountains and valleys and enjoying the glorious October weather," and what is more beautiful and invigorating than a New Hampshire October? The whole scene and all its associations, he writes, "are interesting to me. I like much to be here, and sometimes I think it may happen that I shall end my days in the spot of my first remembrances and consciousness." He kept a boat on one of the neighboring lakes. He was never happy unless he had boats; and it is curious to see the detailed care with which the great statesman wrote directions for the repairs of his boat and for keeping up his mother's flower garden. For many years, towards the close of his life, on his annual visit to The Elms, crowds of people would assemble at the stations along the railroad to welcome him to his native State.[6]

[6] Works, National Edition, vol. xxi, pp. 246, 249, 384, 385; Lanman, Private Life of Webster, p. 60.

The farming at the New Hampshire place was carried on by him with the same interest and pleasure as at Marshfield. His man in charge of The Elms was John Taylor, whom he always spoke of and addressed by his full name. He was a big, powerful farmer, with plenty of shrewd wit and sense, and clever remarks on political affairs; the sort of man that always seems to have given Webster as much satisfaction as the farm itself. Fine cattle were bred at The Elms; there were sometimes nearly a hundred head there; and the farm became nine hundred acres in size.[7] Cattle were frequently sent to and fro between The Elms and Marshfield. Other statesmen of that age were remarkable for their farms, but none of them, except Webster, undertook to keep two expensive places going. He afterwards bought a third large farm, near La Salle, Illinois; and we can understand why he died poor. The amount of attention he gave to Marshfield and The Elms is astonishing. He was continually writing letters to the people in charge of them. He says in one letter that he thinks a great deal every day about The Elms. He probably thought still more about Marshfield; and one wonders where he got the time for those heavy litigations, the constitutional arguments, politics, history and literature. But the man's nature and capacity were vast; and, as already once said, it is probable that these pleasures of farming, sport and literature, which seemed to absorb three-fourths of his time, were his real life and health, which made the more conspicuous and famous part of him possible.[8]

Mr. Lunt has left in manuscript, in the Boston Athenæum, a description of a visit to Marshfield towards the close of Webster's life. Other visitors, whether they came for admiration, curiosity or business, were, no doubt, received in the same way; asked to stay all day or several days; given a saddle horse to

[7] Lyman Memorials, vol. i, p. 149.

[8] Harvey, Reminiscences of Webster, pp. 295, 298, 301, 305, 310, 420.

ride about the domain and made a member of the household. Webster would talk with them, show the curiosities, pictures and books in his library, dilate with frank admiration on the things he loved or valued, and then leave his guests to themselves, while he wandered out to some pleasure or interest on the farm, returning soon with more suggestions of amusement for his visitors. In this easy way he kept everything going, evidently taking the keenest delight in every detail of the place, the fence making, the crops, the garden and the animals.

There was, indeed, about the life, a touch of the southern plantation and its hospitality which it is quite surprising to find on the stern coast of New England. Webster, no doubt, had acquired ideals from the southern Senators in Washington and it was one of the passions of his life to live his ideals. Some yards away from the house he had a small building which he used as a law office. It separated his professional and heavy work from the more literary pleasures of the library. Law offices of this kind I have seen on some of the old southern plantations. In one notable instance I saw two such little buildings on the same place; one used by the father and the other by the son, who were both in large practice.

Besides Seth Peterson, the boatman, there was Porter Wright, a sturdy farmer in charge of the place as John Taylor was at The Elms; and both men were always addressed and spoken of by their full names. Seth Weston seems to have been second to Wright and was also a favorite. To see these men about and watch their labors seems to have been an endless pleasure to Webster. He was constantly talking about them to his friends and they appear frequently in his letters. When doubtful in 1849 of the advantage of again becoming Secretary of State, he writes to Mr. Blatchford, "Let me be left out of all cabinets but that of Porter Wright, Seth Weston and Seth Peterson."[9] None of

[9] Works, National Edition, vol. xvi, p. 304.

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THE WEBSTER HOUSE AT MARSHFIELD

them, however, had quite as high a place in his affections as Seth Peterson. To merely see Peterson and his red shirt in the distance was a pleasure to him.

Another interesting character at Marshfield, perhaps the most valuable one, was Monica, one of those southern cooks who cook by a genius and inspiration no French *chef* can ever hope to imitate. She had come to the Websters in Washington as the result of an application for servants to that curiously named institution, an intelligence office. She was a slave of one of the judges of the Circuit Court, and it was usual for the owners of slaves to hire them out precisely as they would their oxen and horses. The Websters were so pleased with Monica that the judge proposed to sell her to them; but Webster declined to be the owner of a human being. He, however, bought Monica's freedom for $600 and employed her as a servant on wages, she agreeing to work only for her bare support until she had paid off the freedom money. She, however, remained Webster's cook all the rest of his life and he paid her wages without any reference to the money he had paid for her freedom. At his death she had about $2000 in the savings bank. She was devoted to the family and full of character, efficiency and rich African humor. Webster also purchased the freedom of a slave named William A. Johnson and assisted to purchase the freedom of another.[10]

Webster's library filled the whole wing which, as can be seen in the illustration, he added to the original Thomas house. The interior was quite effective in appearance; and he was fond of telling visitors that it had been designed by his daughter Julia. The whole house was burned in 1879 together with many interesting curios and relics which it contained. A modern house was built in its place, and a few years after the fire the property was sold out of the Webster family to

[10] Harvey, Reminiscences, pp. 311, 313; Works, National Edition, vol. xvi, p. 582.

Mr. Walton Hall. A few relics, Webster's arm chair and one or two other things, are in this new house.

Of the numerous buildings of Webster's time scarce any remain except his little law office, which was a few yards from the house. The old colonial house of the famous Winslow family, which once stood on the property, the oldest house, as was supposed, in New England, is gone; the game is largely gone; all the activities and life he created are gone; summer boarders and their shanty towns throng the sea beach. It is enough to disquiet him in his grave. Only the ocean still booms and roars on the beach as of old, biding the next geologic age, when it shall engulf all and recreate it nearer to the nature Webster loved.

On Green Harbor River, near its mouth, I was shown an old two-story boat-house where Webster kept the craft he used for himself and his guests in sea fishing; and in the upper story, they said, there used to be beds which his friends used when they came in too late to go up the river to the house. Here is one of his letters of October, 1838, about the fishing:

> "There is nothing in this world, or at least for me, like the air of the sea, united to a kind of lazy exercise, and an absolute forgetfulness of business and cares. The mackerel fishing has been glorious. I have had some success, also, in Tautog way, while in the regular line of cod, haddock and halibut, business has been steadily cheerful. Little done in duck shooting, but I understand that in my absence last week, a shade of improvement was discernible in this branch. I cannot go extensively into it this year." (Works, National Edition, vol. xvi, p. 304.)

Like all lovers of nature he, no doubt, loved the wailing of the wind in the trees in winter, for he loved to hear that moaning or peculiar hollow roar which the ocean makes after a storm. He had learned in some way that the old name for this was the rote or rut of the sea; and Seth Peterson's name for it, the cry of the sea, he thought very expressive, because it seemed to describe the wailing of the ocean as if in anger under

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WEBSTER TRAMPING OVER MARSHFIELD

the lashing of the winds. It was another point of merit for the invaluable Peterson.

It is much to be regretted that he never wrote his book on natural history; for, judging from scraps of letters on this subject, it would have been delightful reading; he would have mixed up sport with it, and, Izaak Walton-like, would have told how to cook different kinds of game.

"These are black fish sometimes called *Tautog*. Monica cooks them thus:—

"Put the fish into a pan with a little butter, and let them fry till pretty nearly cooked, then put in a little wine and pepper and salt, and let them stew. She uses no water. A little more wine, pepper and salt to make a good gravy.

"So says Monica, who stands at my elbow at half-past five o'clock. A good way also to make agreeable table companions of these fellows is to barbecue or broil them without splitting."

"My dear young Friend,—I propose joining you this morning to pay our respects to the Tautog, but fear we shall hardly be able to tempt them from their lurking holes, under this bright sun. They are naturally shy of light. 'Tautog' means simply the black fishes, 'og' being a common termination of plural nouns in the language of our Eastern Indians. I believe the fish is not known in Europe. Its principal *habitat* originally seems to have been Long Island Sound, Buzzard's Bay, and the Elizabeth Islands. Seventy years ago the Honorable Stephen Gorham, father of the Honorable Benjamin Gorham, now of Boston, brought some of these fish alive from New Bedford and put them into the sea at Boston. They are now found as far east as the mouth of the Merrimac. They abound, as you know, on the south side as well as on the north side of our Bay. Indeed it is thought that by their own progress north they doubled Cape Cod, not long after Mr. Gorham's deposit at Boston." (Works, National Edition, vol. xvi, p. 660.)

The last of the above letters was written July 23, 1852, only three months before his death. He often used to say that he wanted to live three lives, one to be devoted to astronomy, one to geology, and the third to classical literature, and he might have added, a fourth to natural history.

All the neighboring region—Cohasset, Chelsea Beach and Nantasket Beach—were explored by Webster in his sporting excursions for wild fowl. Many stories of his adventures were, of course, afloat in his lifetime. It was the day of flintlock guns and black powder, and before reloading the sportsman often applied his lips to the muzzle to blow the smoke from the barrel. When Webster, in his rough clothes, had smutted his already dark, swarthy face by this blowing process, he looked like a very piratical and terrible personage.

He once accidentally sprinkled a stranger with shot, and walked towards him, saying:

"My dear sir, I am very sorry, did I shoot you?"

"Yes," said the man, staring into the grimy face, "and judging by your looks you have done that sort of thing before."

One day a farmer met him roaming the marshes.

"This is Daniel Webster, I believe."

"That is my name."

"Well now," said the farmer, "I am told that you can make from three to five dollars a day pleadin' cases up in Boston."

Mr. Webster replied that he was sometimes so fortunate as to receive that amount for his services.

"Well now," returned the rustic, "it seems to me, I declare, if I could get as much as that in the city pleadin' law cases, I would not be a wadin' over these marshes this hot weather, shooting little birds." [11]

Marshfield is only some ten miles north of Plymouth and is the region into which the Pilgrim Fathers who came over in the *Mayflower* spread themselves. Everywhere their descendants, their graves, their thrifty, intelligent views of life, and their unadorned and strong-minded forms of religion were to be found. Webster loved all this. As a student of history it was a very congenial atmosphere for him; and the old-fashioned

[11] Harvey, Reminiscences of Webster, p. 293.

ways of the people delighted him. He wandered over the whole region, making the acquaintance of everybody. On his place, about half a mile from the house, is an old graveyard where rest not a few of the old colonists, captains, farmers, and ministers of the Gospel. The head- and foot-stones made of the native dark slate-colored stone, with old-fashioned, neat engraving round the borders, are pleasantly impressive, and in better taste than some modern glaring white marble monuments beside them.

From one headstone I learned that "Here lyeth ye ashes of ye Reverened learned and pious Mr. Edward Thompson, Pastor of the church of Marshfield, who suddenly departed this life March y. 16. 1705." And the footstone tells us that

> "Here in a tyrant's hand doth captive lye,
> A rare synopsis of Divinity.
> Old patriarchs, prophets, Gospel Bishops meet,
> Under deep silence in this winding sheet.
> All rest awhile, in hopes and full intent,
> When their King calls to sit in Parliament."

Webster himself rests here in this graveyard among the old pilgrims.

XII

NULLIFICATION AND COMPROMISE

The greatest admirers of Webster's reply to Hayne, while they were sure that he had raised the Union cause to a higher plane of popularity, were far from supposing that he had settled the controversy. The general opinion of the majority of the people throughout the country was admittedly against the right of a State to secede from the Union or nullify Acts of Congress. But the minority were by no means silenced. They were generally believed to be powerful enough to seize some favorable opportunity to break up the Union; to take one or two States out of it; and it was feared that the rest of the country, though disapproving, would look on passively and allow it to be done. Some act of secession might be made a precedent at a time when the majority could not be aroused to the point of resisting it by force. That irresponsible and trouble-saving phrase, much used in later years, "erring sisters go in peace," might become a popular doctrine, or so far popular that it would cripple all effective action among the lovers of union.

Speculations as to how long the Union will endure have been seldom or never heard in our time of the last forty years. But during the fifty years before the Civil War they were the common topics of conversation. Whether to allow the controversy to slumber; or to arouse it and fight it out; and when aroused, whether it would not be better to compromise with it, were the great questions.

The fundamental cause of nullification in the period after 1825 was slavery. Although the trade and geographical conditions of the country were sectional, although Benton assumed to say for the West that it

wanted no transportation facilities across the Alleghanies, no railroads or canals to connect it with the East, that it preferred to live by itself and carry on all its trade at New Orleans, yet the West had no real inclination for either nullification or secession. The only place where nullification and secession were strong was in the South, the land of slavery.

Not that the South gave this out as the cause of her nullification theories; far from it. The usual reticence and precaution on that question were carefully preserved. It was the protective tariff that was put forward as the cause, the protective system for which the South Carolina leaders, especially Calhoun, had voted and argued in 1816, as a benefit to the country; and now since 1828 were announcing as a sufficient cause for breaking up the Union. Calhoun went into long explanations to show that he had not changed either his mind or his ground in regard to the principle of protection, that his speeches in 1816 were hastily delivered, that the tariff of 1816 was not really protective and so on. But there were his speeches in print as deliberate and careful as any of his others, and there were his words calling it a protective tariff and recommending it as such. To convict him of the change Webster merely reprinted those speeches.

Calhoun had to change his ground also as to the constitutional power of Congress over slavery in the territories. But no matter about these inconsistencies. A statesman should have the same right as an ordinary sensible citizen, to change his mind, although in public he must sometimes go through the farce of pretending that he never changes.

Calhoun had, however, from his own point of view, good reasons for his change. He must change or go out of politics. He was a southerner; he must stand by his own people; and they had changed. Soon after 1825 they saw that the foundations of their wealth, and their social and political system were threatened. In fact, they began to be conscious of danger to slavery

soon after 1820. They saw that the majority of the country, the North and the Northwest, were not content with having abolished slavery in their own communities or with never having had it there, and were becoming more and more intolerant of it in the South.[1]

There were not a few bright minds in South Carolina and some of them by serial articles in the newspapers had been extraordinarily successful in working up the high-strung popular feeling of the State, exaggerating it, exasperating it against the tariff and inflaming the people into believing it was monstrous wicked that the majority should rule, that three-fourths should tax a quarter, that a majority in the Union should tax a minority in Carolina. This method carried the State, and Hayne and Calhoun had to yield to it. It forced Calhoun against his will to change his opinions; and in these newspaper articles are to be found arguments afterwards used by Calhoun and commonly supposed to have originated with him.

There had been no public act, no avowed or official attempt to interfere with slavery; no move in that direction had been made in Congress or in any department of the government. On the contrary, every northern statesman had, like Webster, announced in the most public and explicit manner that slavery in the South was protected and guaranteed by the Constitution. This had been well enough in the early part of the century; and in those days the South had never had any objection to academic discourses on the moral wrong and the practical evils of slavery. In fact, they had delivered such discourses themselves. Jefferson and other prominent southerners openly described slavery as an evil. Jefferson was supposed to have been the author of the clause prohibiting slavery in the ordinance for the government of the northwest territory; and in those days there

[1] Houston, Nullification in South Carolina, pp. 49, 51, 53, 59, 61, 62, 63, 72, 75.

were far more emancipation societies in the South than there were in the North.

But in the last few years northern sentiment had become strangely aggressive. There was a note in it that had never been observed before. The guarantees of the Constitution were repeated in the same language; not the slightest move against slavery was made in Congress; but the southerners began to realize that people in the North were beginning to organize a crusade against slavery without any regard to either Congress or the Constitution. Hayne had referred to this movement in one of his speeches in the Great Debate in 1830; and since then the movement had spread and grown stronger.

The southern leaders in South Carolina saw that this movement must be met. Their constituents were forcing them to meet it. Their constituents believed that the abolition movement in the North meant ruin to the South. Slavery was everything to the South; or, at least, it seemed to be so. It was the source of their wealth, their social system, everything, as it seemed, that made life worth living. It seemed more important to them than the Union. To save it, save their property, their customs and their old way of life, they must be able to live more or less independently of the rest of the country. They must be able to annul laws of Congress that did not suit their social, political or business systems. They must draw the line of self-protection round themselves. If necessary, they must leave the Union and form an independent confederacy with slavery as its cornerstone.

But they did not want to leave the Union. The Union had always had obvious advantages. They did not want secession if it could be avoided. They preferred nullification, by which they thought they could remain in the Union and nullify any of its acts that were objectionable so far as those acts applied to themselves.

Not being able to state the real cause of their

trouble (for neither Congress nor any department of the national government had made the slightest move against slavery), they had seized upon the protective tariff acts of Congress of 1828 and of 1832, which had become objectionable to their people, and which, if nullified, would become an excellent precedent and build round them their first line of defence. They had worked themselves up into a most violent feeling against the tariff, a most exaggerated fear of its evils. Through public meetings, the protest of their Legislature, and the speeches of Hayne in 1830, they had formally set forth their theory of nullification; but they had taken no practical steps to nullify the tariff acts of Congress. Now, however, under the leadership of Calhoun, they were prepared to go much farther.

Their arguments described the South as in a deplorable state of poverty and destitution as a result of the protective tariff. "Ruin and decay," says the report of the committee of the South Carolina convention of 1832, "are everywhere visible round us; memorials proclaiming the fatal character of that system which has brought upon one of the finest portions of the globe, in the full vigor of its early manhood, the poverty and desolation which belong only to the most sterile regions, or to the old age and decrepitude of nations." Similar statements are in the speeches of Calhoun and Hayne. The plantation States were being reduced to "poverty and utter desolation"; and, according to these statements, the ruin and poverty were to be seen everywhere by anyone travelling through the South, which, being a purely agricultural region, exporting cotton, rice, indigo, and tobacco, was compelled by the tariff to pay a high tribute for all its imported articles, manufactured woollens, cottons, iron, sugar, and salt. This difference between the price of the imported articles under the tariff and the price that would be paid for them if there were no protective tariff, was the supposed cause of the financial ruin of the planters.

In considering this statement we must remember that it was put forth by the majority party in South Carolina who were in favor of nullification. It was flatly denied by the minority party. The minority, composed of some of the most prominent and able men of the State, had denied, as Webster pointed out, that there was any ruin or decay in their commonwealth. The so-called ruin and decay was, as Petigru, one of the minority leaders, said, a "mere rhetorical flourish."[2] The State was as prosperous, they said, as ever; and, indeed, this has been generally supposed to have been the period when the whole plantation aristocracy of the Carolinas and Georgia was at the height of its wealth, power and prestige. The old Virginia tobacco aristocracy was passing away, because of changed trade conditions of tobacco. But farther south cotton and rice were still made profitable by slavery.

There is no doubt that the tariff had injured the commercial and ship-owning interest in South Carolina as it had injured the same interest in New England. It is also probable that there had been loss in the Carolinas and old seaboard slave States because new cotton lands were being rapidly developed in the recent wilderness regions of Alabama, Mississippi and Louisiana and underselling the cotton of the old Atlantic seaboard States. All this was loss; the sort of loss that frequently happens; but not destitution and decay. It would, indeed, be very extraordinary if the mere increased tax caused by the tariff could produce the poverty which the nullification leaders described. There were purely agricultural communities in the North and West which suffered no such decay from the tariff. There are such communities to-day. They may object to the tax the tariff inflicts on them; they undoubtedly suffer a certain loss from it; but they are not driven by it into poverty and destitution; nor do they threaten

[2] Webster's Works, vol. iii, p. 493; Houston, Nullification in South Carolina, p. 110.

to break up the Union on account of it any more than the people who send their children to private schools threaten to rebel because they have to pay a tax to support public schools for other people's children. The South itself in the last forty years has steadily increased in wealth and prosperity in spite of the protective tariff. But in that forty years there has been no slavery in the South.

There was the rub. If any process of real decay had started in the South it was from slavery. The opinion was often expressed at the time, it was one of the recognized principles of the political economy of the day, that slavery was profitable only in new or half-wild countries. As a country developed, slavery became less and less profitable until at last it was a positive loss; and then history showed that it was usually abolished, as it had been in nearly all European countries, and was on the eve of being abolished in the British and French colonies and Mexico. Benton was fond of saying that slavery would take care of itself in America and be abolished as soon as it became decidedly unprofitable. Von Holst in his history of the United States has collected a considerable mass of evidence to show that slavery was already becoming unprofitable, and that between this period and 1860 values of all property in the South were as steadily sinking as they have steadily risen since the Civil War.

Calhoun had recently written a pamphlet, in the form of a letter to the Governor of South Carolina, rearguing the whole nullification question; and Webster regarded this pamphlet as of such dangerous tendency that he was preparing to reply to it in an open letter to Chancellor Kent, of New York. But before he could do this the South Carolinians took such a serious step that the question came up in the Senate in the form best suited to Webster's methods.

The Carolinians had hoped, they said, that the tariff of 1828 would be changed or repealed; but no change being made and the act having been made, if anything,

worse by the new act of July, 1832, they proceeded in their own fashion to abolish the whole tariff legislation. In November, 1832, a convention of delegates representing as they believed the full sovereignty of the State of South Carolina, formally declared the tariff laws of Congress null and void within the boundaries of the State and directed the Legislature to pass such laws as should be necessary to carry this declaration into effect after the first day of February, 1833. The Legislature met a few days afterwards and passed laws for the replevin of any imported goods that might be seized for duty by the United States officials. Heavy penalties were enacted against persons who should undertake to execute the tariff laws; and military forces were directed to be raised to repel any efforts of the Government at Washington to coerce the State.

In a couple of months, therefore, the tariff laws of Congress were to be abolished in South Carolina and imported goods could then, apparently, be landed in that State free of duty. If the government and the rest of the country accepted the situation a precedent of actual nullification would be created. A President like Buchanan, of thirty years later, might possibly have doubted his authority to coerce a State and presumably he would have allowed the situation to drift. President Jackson might have taken the same course. He had already refused to enforce a decision of the Supreme Court in Georgia; he had allowed the State of Georgia to create a precedent of nullification; so why not refuse to enforce a law against which the southern wing of his own party in South Carolina were rebelling? But fortunately he had quarrelled with Calhoun and his violence and passions were all enlisted against the Carolinians. He at once issued a proclamation [3] based on the reason-

[3] Said to have been prepared by Edward Livingston of Louisiana, Secretary of State; but Webster believed it to have been written by Mr. Trist, an able young man in the State Department. (Webster, Works, National Edition, vol. xvi, p. 224.)

ing of Webster's reply to Hayne; directed the revenue officers to enforce the laws as usual, denounced as treason any attempts to interfere with them, and sent a naval force to occupy Charleston harbor and enforce the laws of Congress.

This was in December when Congress was beginning to assemble and nothing more except debate would happen until the first of February, the time fixed by South Carolina for the beginning of actual nullification. In fact, as Webster pointed out, nothing would happen after the first of February unless some importer in South Carolina refused to pay duty on goods and the goods were seized. If the importer then under the State nullification laws attempted to replevy the goods the United States collector would refuse to give up the goods and it would be a trial of strength between collector and sheriff, the one to be supported by the army of the United States and the other by the volunteer militia of South Carolina.

President Jackson sent a special message to Congress describing the situation and asking for legislation to aid him in enforcing the laws. A bill was introduced authorizing him, when the collection of duties was obstructed in any port, to change the collection district and establish the custom house in a more secure place; and to shield customs officials from suits in the State courts, cases against them were authorized to be removed to the Federal tribunals.

This was the Force Bill, as it was afterwards known in history, and it created some confusion in the ranks of the President's party. Many Democrats assailed it as a measure of tyranny, compared it to the Boston Port Bill of revolutionary times, and declared that it sacrificed everything to arbitrary power. The South Carolina Legislature answered the President's efforts in a series of resolutions, denouncing his proclamation and setting him at defiance. "Old Hickory's" blood was up; he had been using very violent language about the

Carolina leaders; and at any moment he might take the law into his own hands in Tennessee style, arrest Calhoun and the rest of them, and perhaps order them hung or shot.

In this predicament the President's friends sought the aid of Webster to carry the Force Bill through Congress and protect it from the President's own party; and the South Carolinians agreed to "suspend" nullification until the adjournment of Congress. Webster accepted the task. He soon began to succeed with the Force Bill, and by ridiculing the Democrats for opposing their own President's measure, he was bringing the bill into a good position to be finally passed. It was an odd coalition, the conservative, tactful lawyer-orator and the radical and violent old military chieftain. But the combination was a powerful one, both in Congress and before the public; and was forcing Calhoun and the nullificationists to the wall.

The day after the Force Bill was introduced, Calhoun, who was again a Senator from South Carolina, had introduced three resolutions setting forth the principles of nullification. Hayne was no longer in the Senate, and it was now Calhoun's turn to defend the southern doctrine.

The first thing to be observed about the resolutions is, that they abandon Hayne's idea, that the States having become parties to the compact called the Constitution, the general government created by that compact became an additional sovereign party to it. Webster had shown this to be such an absurd method of legal reasoning that it had to be dropped, and since then has never been maintained by anyone. So Calhoun fell back on the general statement of the old Virginia and Kentucky resolutions, that the people of the several States were "united as parties to the constitutional compact, to which the people of each State acceded as a separate and sovereign community," and "as in all other cases of compact among sovereign par-

ties, without any common judge, each has an equal right to judge for itself." The rest of the resolutions were taken up with the doctrine that it was the States as parties, and not the people collectively, that had made the Constitution.

Most of Calhoun's speech against the Force Bill dealt with the iniquity of the tariff and explanations of his change of position. But it was beyond the utmost exertion of his metaphysical subtlety to show that his advocacy of protection in 1816 was the same as his present deadly enmity to it. What he said in support of his resolutions on the constitutional question may be summarized in five statements:

1. He could not in the nature of things conceive of a division of power without an equal right to each to judge of the extent of the power allotted to each.

2. The words union, federal, united, all imply a combination of sovereignties, not an association of individuals. Who ever heard of the United States of New York, Massachusetts or of Virginia?

3. Sovereignty is in its nature indivisible. It is the supreme power in a State; and we might as well speak of half a square or half a triangle, as of half a sovereignty. Therefore the States have never surrendered their sovereignty to the general government.

4. The whole sovereignty is in the several States, while the exercise of sovereign power is divided, a part being exercised under compact through the general government and the residue through the separate State governments.

5. Each State, under the nullification doctrine, possesses within itself the means of self-protection by nullifying any dangerous act of Congress. This prevents the tyranny of the majority over a minority. The result will necessarily be unanimity in council, ardent attachment of the parts to the whole and a perfect union. There will be no secession or breaking up of the Union; that will occur only when the General Government becomes consolidated and tyrannizes over a minority.

His theory, it is easy to see, is the same as Hayne's, except that it does not make the general government a

party to the compact. It is Hayne's theory supported by metaphysical reasoning, the old metaphysics of the Scotch school, which had been very prevalent in Calhoun's youth and which his biographers say he studied with much ardor. He had studied law, but he had had little or no practice, and no training in legal and constitutional reasoning. His method is the direct opposite of the legal and historical method of Webster. Abandoning the precise words and details of the Constitution, Calhoun tries to reason out what in the nature of things such a government must or should be. Webster, on the other hand, stays within the four corners of the document, as the lawyers say, and confines his reasoning to the actual provisions and words of the instrument and the history of its adoption.

Webster's reply, though less popular than the reply to Hayne, is in some respects much abler as a legal and constitutional argument. He had been called upon rather suddenly in the Hayne debate. But now he was well prepared with three years of reflection and no personal explanations about the Hartford Convention and inconsistencies to interfere with the real point at issue.

He plunged at once into the full tide of the subject. He showed what, with more preparation and less interference of other things, he might have shown in the reply to Hayne, namely, that it was a pure assumption to call the Constitution a compact. The word compact means a treaty or league; but the Constitution nowhere calls itself a league, a treaty or a compact. It calls itself in its opening paragraph a constitution, a word which means an organic or fundamental law or form of government, a very different conception from that of a treaty or compact between sovereigns. The State of South Carolina herself in accepting the Constitution had declared that she "ratified this Constitution or form of government." All the States in their formal declaration accepting the Constitution used the word ratify,

some using the additional words ordain, establish, assent to, adopt, but all using ratify. The Constitution itself uses ordain and establish. It uses the word compact only once, and that is when it declares that the States shall enter into no compact. It distinguishes itself from a league or confederacy; for it says that all debts contracted shall be as valid under this Constitution as under the confederation. It does not say as valid under this compact, or this league, or this confederation, as under the former confederation, but as valid under this Constitution.

None of the States in accepting the instrument used the word accede which Calhoun had slipped into his resolutions to describe the action of the States in accepting.

"The natural converse of accession," said Webster, "is secession; and therefore, when it is stated that the people of the States acceded to the Union, it may be more plausibly argued that they may secede from it. If in adopting the Constitution nothing more was done but acceding to a compact nothing would seem necessary, in order to break it up, but to secede from the same compact. But the term is wholly out of place. . . . The people of the United States have used no such form of expression in establishing the present government. They do not say that they accede to a league, but they declare that they ordain and establish a Constitution."

"Let then his first resolution tell the exact truth; let it state the fact precisely as it exists; let it say that the people of the several States ratified a Constitution or form of government; and then, sir, what will become of his inference in his second resolution, which is in these words, viz., 'that as in all other cases of compact among sovereign parties each has an equal right to judge for itself as well of the infraction as of the mode and measure of redress.'"

This stripped the nullification argument of its cunning assumptions by which it had attempted to create a new constitution unknown to the people who ratified and established the instrument framed in 1787. Nullification was revolution; there could be no peaceful nulli-

fication; if a State could nullify a law of Congress, she could at once break the Constitution and the Union.[4]

"To begin with nullification with the avowed intent, nevertheless, not to proceed to secession, dismemberment, and general revolution, is as if one were to take the plunge of Niagara and cry out that he would stop half way down."

Since the debate with Hayne, Webster had evidently worked out every instance which showed that when the Constitution was adopted it was intended to be a form of government and not a treaty, and he poured them out upon Calhoun in a flood. We can give here only a few of them.

The principle of nullification was that the States cannot be bound by any act of Congress if the constitutionality of that act is not admitted by all; or, in other words, that no single State is bound, against its own consent, by a law of imposts or revenue. That was the difficulty under the old confederation, the Congress could collect no revenue of its own power; it was dependent on the States; and the Constitution was intended to remedy this weakness by giving Congress the power to collect imposts or revenue without the consent of particular States to pay the debts of the Revolution and prevent bankruptcy of the national treasury.

The Constitution avowedly acts upon individuals and has always done so. The confederation acted only upon States. The Constitution may punish individuals for treason and all other crimes of the code. It may tax individuals and demand military service of them. All this clearly distinguishes it from a confederation. It makes war or peace for the individual, and that no

[4] William Drayton, of South Carolina, believed in secession, but denied any right of nullification. A State, he said, could leave the Union if she chose, but if she remained in the Union she must obey the laws. To remain in the Union and attempt to nullify acts of Congress was an inconsistent and impossible position.

State may do. It maintains armies and navies, and that no State may do. It regulates commerce, it regulates the individual in war and in commerce, and this is the characteristic of a government and not of a confederacy.

Under the Articles of Confederation the States made promises and agreements. In the Constitution they make none, because in the Constitution it is the people and not the States who speak; and they place commands, injunctions and prohibitions upon the States.

When Congress declares war, may a State nullify that war and remain at peace? When the President and Senate make peace, may a single State continue the war?

In the convention which framed the Constitution there was a party in favor of retaining the old Articles of Confederation, and the convention with that plan of compact before them deliberately rejected it and took the plan of a national constitution.

At the time of its adoption the Constitution was recommended as an improvement over the confederacy, because under the confederacy "a single State can rise up, and put a veto upon the most important public measures."

At the time the Constitution was adopted every one knew that under it the general government, that is the Supreme Court and Congress, would be the final interpreters of its power. This was announced, notably by Madison in Virginia, by Luther Martin in Maryland, and by Pinckney in South Carolina. "Everywhere it was admitted by friends and foes that this power was in the Constitution. By some it was thought dangerous, by most it was thought necessary; but by all it was agreed to be a power actually contained in the instrument."

The South Carolina Convention had set forth the rather surprising proposition that majority government is essentially wrong, that it is a tyranny, and that

it cannot or ought not to be maintained in the United States. This was a favorite theory of Calhoun, and he had tried to show its soundness by a metaphysical subtlety which in the end was nothing but a jumble of words. He made the distinction between absolute majority, by which he meant a majority in Congress representing all the States, and a majority concurrent, by which he meant a majority in a single State, which disapproved of some act of the absolute majority in Congress. The concurrent majority in the single State must, he said, overrule, so far as itself was concerned, the absolute majority in Congress. It was simply coming round, as he was always doing, to his old proposition, that each of the twenty-four States could interpret and nullify all Acts of Congress as they pleased, which was the old Articles of Confederation over again, and would end as they had ended, in no government at all. This inevitable result of his theories he was constantly trying to conceal by new inventions and subtleties; and, indeed, to him these inventions seemed very necessary; for, if South Carolina was to protect slavery and secure its permanence within her borders for the future, she must establish several absurdities, and among them the doctrine that in a republic the minority should be able to outvote the majority.

In his reply to Webster, Calhoun began by quoting a passage from the reply to Hayne in which Webster had said that as far as concerned slavery he would let it stand as he found it in the Constitution; "it is the original bargain—the compact—let it stand." He would not, he said, "evade the constitutional compact."

Washington also, Calhoun said, had used the word accede in reference to the admission of North Carolina to the Union. Nevertheless, he said, he would strike out these words, accede and constitutional compact, from the resolutions and amend them in accordance with Webster's ideas. But his resolutions as amended still asserted that the Constitution was a compact. So he

was again juggling and coming round to the old statements.

He said that Webster had said that the Constitution was founded on compact, but that it is no longer a compact; it is founded on compact, but not a compact results from it; and he charged this as a confusion of thought impossible to understand. But it was perfectly clear, as Webster had put it, and there was no confusion whatever. He had said that when the people of the States decided to send delegates to a convention to make a new general government that was an agreement among themselves to have a new government; it was not the new government itself; it was the social compact, as the old writers in Europe called it; the compact or consent of the people that was supposed in theory to be at the basis of all governments, even the European monarchies, which were certainly regular governments and not compacts or leagues. The result of this agreement or social compact to have a government in our case was that the delegates agreed to have a constitution which they described and which described itself as a form of national government and not a compact.

Much of Calhoun's speech consisted of this sort of misconstruing of Webster's statements. Calhoun could not keep himself from subtleties. For a time he tried to take Webster on his own ground, and bring forward historical instances to show that at the time it was adopted the Constitution was regarded as a compact or league. He took a week to prepare for his answer to Webster; but could find no instances for his purpose. He quoted some passages from Burlamaqui, a European writer of nearly half a century before the Constitution, to show that in Europe fundamental laws, or what he said Webster called a constitution, were sometimes spoken of as covenants. He quoted also modern instances long since the adoption of the Constitution, in which it was called a compact. It had, of course, often

been called a compact by his own party and at the time of the Hartford Convention certain New England people had spoken of it in that way. But none of these instances were to the point. The question was, What had it been called by the States in adopting it; what did its framers and its adopters say that it was? What people had said long before its adoption or what they had said long after was entirely irrelevant.

The only instance he could find for his side was in the adopting language used by New Hampshire and Massachusetts, which, before ratifying and adopting the Constitution, said that they acknowledged "with grateful hearts the goodness of the Supreme Ruler of the Universe, in affording the people of the United States an opportunity . . . of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new constitution." This passage had been quoted by Webster himself, because it said that "the people of the United States entered into a compact with each other;" and not that the States entered into a compact. It was an instance, therefore, for Webster's side and not for Calhoun's, and when the adopting language of both these States came to the actual adopting clause, they declared that they ratified a constitution and not a compact. In fact, there was no instance where a State or a framer had declared that a compact or league was ratified.

Having failed on the historical portion of his argument and conscious that he could accomplish nothing on this point, Calhoun fell back on his metaphysical subtleties and suppositions, which constituted most of his speech.

Webster had called attention to the preamble of the Constitution: "We, the people of the United States of New Hampshire, etc., do ordain, etc.," as showing that it was the people of all the States and not the States individually that had made the Constitution. Calhoun said that the passage must mean "We the people of the States

united," and not "of the United States," and this "inversion alone," he said, "without further explanation, removes the ambiguity;" that is, brought the passage to mean what he wanted. This was the method he and nullifiers were constantly adopting; "rewriting the Constitution," as Webster called it; stating what it should be or must be, without regard to what it actually was or to what it said of itself.

Finally, knowing that these tricks were really useless and that his only hope was to say something that might possibly meet the overwhelmingly strong argument that the Constitution was adopted because the old Articles of Confederation, admittedly a compact, were so weak a government as to be worthless, he boldly announced that there was no important or essential difference between the old Articles of Confederation and the Constitution. They were practically the same sort of government; both compacts or leagues; the only difference being that the Constitution was rather more of a league than the articles had been.

This was certainly desperate and magnificent. He actually said that the only difference between the two was that in the Articles the State governments had made the compact; it was a union of governments. In the Constitution the States themselves had made the compact; it was a union of sovereignties.

> "The confederation was a contract between agents—the present Constitution a contract between the principals themselves; or to take a more analogous case, one is a league made by ambassadors; the other a league made by sovereigns." (Works, vol. ii, p. 290.)

That was the most strained and hair-splitting of all his metaphysical efforts. He avoided and dismissed from consideration the mass of evidence which showed the intention of the framers and adopters of the Constitution as to what sort of government they thought they were creating; and he cited no evidence to show that they thought they were adopting his form. He

simply, after his manner, started a new assumption; a statement as to what the Constitution must in the nature of things be, and then began to draw conclusions from it, the conclusions which suited him. His first conclusion (eminently suited to him) was that sovereignty must necessarily reside "in the parts and not in the whole"; that "the parts are the units in such a system, and the whole the multiple; and not the whole the unit and the parts the fractions." And so he went on; for now he had everything his own way and could work out a wonderful system.

It was not legal or constitutional reasoning, but the old scholasticism; the system in which you choose your conclusion and then select any assumption or admission, technically called an axiom, and connect the axiom with the conclusion by a chain of reasoning. It was in this way that Jonathan Edwards reasoned out in the most rigid and logical manner his extraordinary system of theology from the single axiom, "everything must have a cause." From that same axiom he might also have reasoned out any other conclusion he had selected.[5]

It has sometimes been said by Calhoun's admirers that Webster was so overwhelmed by Calhoun's argument on this occasion, that he attempted no reply to it; and, as a matter of fact, no reply appears in the edition of Webster's works published in 1851. But there was a reply, and an excellent one, which is published in the Debates.[6] Most of it has been already used in criticisms on Calhoun's argument; and one sentence of it sums up all the rest.

"He is compelled to reject the language of the Constitution itself and to reject also the language used by the people of every one of the States, when they adopted it, and to lay the corner-stone of his whole argument on mere assumption."

[5] Such a method of reasoning is about the same at that of the Scotchman who insisted that Shakespeare was a Scotchman. When asked how that had happened, he said, "Weel, mon, his abeelity cairtainly warrants the supposeetion."

[6] Gales and Seaton, vol. ix, Part I, p. 775.

In this same debate a speech was made by Senator Rives,[7] of Virginia, which is noteworthy as being a forcible statement of a view of the Constitution quite generally accepted by Democrats who could not swallow Calhoun's doctrine and who were opposed to secession. Rives accepted the Virginia and Kentucky resolutions, but denied that there was any intention or language in them favorable to either nullification or secession. They were, as a matter of fact, vague; and it was as easy to reason as he did, that they justified only protests on the part of a State against unconstitutional Acts of Congress, as to reason that they justified nullification. Rives also accepted Calhoun's first resolution, that the Constitution was a compact made by the States; but he argued that having made that compact they were bound by it, and the form of government made by their compact was not a league, but a national government which admitted of neither nullification nor secession on the part of a State.

To assume, he said, that having made such a compact as the language of the Constitution describes, any one of the States could nullify or withdraw from it, was an impossible and unintelligent legal proposition. By the compact the States had surrendered a part of their original sovereignty to the Union; they were bound by that surrender; they could not draw back again that surrendered sovereignty. He recognized as fully as Webster that there was a community and sovereignty composed of the people of the United States as distinguished from the separate communities and sovereignties called the individual States; and he showed that Calhoun, before his recent change of ground, had been of the same opinion.

Calhoun's theory that a State, as a party to a compact composed of equals with no superior to act as judge, could at its pleasure withdraw the sovereignty

[7] Gales and Seaton, vol. ix, Part I, p. 494.

it had delegated to the Union, was refuted by Rives, as a mere attempt to make the question appear to be one of principal and agent.

"But if it were purely a question between South Carolina and the General Government, South Carolina alone could not resume the powers which had been granted to the latter. She is but one out of twenty-four principals, who jointly granted these powers; and she can no more, so far as constitutional right is concerned, by her single act, resume the powers thus jointly granted than an individual citizen of a State can resume the powers jointly granted by himself and the rest of the Society to their State Government." (Gales and Seaton, Part I, p. 500.)

The arguments were now all in on the great question of the Union and secession, the question over which the Civil War was fought; and since that debate in February, 1833, no new arguments have been added. The constitutional text-books, speeches and essays which have been written since then take their ideas from the two great debates, the one in 1830, the other in 1833, and have added nothing to the subject. Hayne, Calhoun, Rives and Webster exhausted it.

All the converts that could be gained by reasoning had been gained, and henceforth each party sullenly held to its views. The large division of the American people who afterwards formed the Republican party of the Civil War accepted Webster's reasoning. When to these were added the Democrats who followed the reasoning so well stated by Rives, War Democrats, as they were called in 1861, the number against nullification and secession was a decided majority, as indeed it had always been from the day of the adoption of the Constitution.

The people of the South accepted Calhoun's metaphysical explanation of the Constitution, and, as we know, fought in its defence and sacrificed their lives and property for four years. It is still the formally accepted doctrine in the South; but exactly how widely and with how much sincerity might be difficult to ascertain.

In recent years a curious feeling has sprung up in the North, sometimes spoken of as the conciliatory attitude towards the South, which goes so far as to say that the southern doctrine of the right of a State to secede was universally accepted in the early days of the republic, and that the southern States which seceded in 1861 were acting upon the original understanding. Perhaps the briefest and most condensed statement of this feeling has been made by Senator Lodge, of Massachusetts.

"When the Constitution was adopted by the votes of the States at Philadelphia and accepted by the votes of States in popular conventions, it is safe to say that there was not a man in the country from Washington and Hamilton on the one side, to George Clinton and George Mason on the other, who regarded the new system as anything but an experiment entered upon by the States and from which each and every State had the right peaceably to withdraw, a right which was very likely to be exercised." (Lodge, Life of Webster, p. 176.)

To the same effect is the essay, "Constitutional Ethics of Secession," by Mr. Charles Francis Adams, also of Massachusetts, who commanded a Union regiment in the Civil War. Both of these gentlemen have always been in sympathy with the old Abolition party in Massachusetts, which never had any respect for the Constitution and would have brushed it aside because it protected negro slavery.

This feeling is extraordinary, could occur perhaps only among Americans, and is part, no doubt, of the feeling by which General Lee, of the Confederacy, is growing in reputation and popularity among northerners while Lincoln is becoming more and more admired in the South. This curious exchange of heroes, an exchange which could take place only among a great people, shows first of all how wisely and well the Civil War questions were settled, how naturally united the North and South really are, and what remarkable aptitude Americans have for settling such terrible difficulties in a satisfactory and permanent way. But that part of

the feeling which leads to the statement that secession was an original right under the Constitution, while most creditable to northern good nature, is, nevertheless, an historical inaccuracy, if not a monstrosity. It would never have occurred if people had resorted for information to the original debates of Congress instead of relying on suppositions and guesses or brief individual statements that do not go over the whole ground.

This notion, that before the Civil War no one denied the right of a State peacefully to withdraw from the Union, or that there was an understanding to that effect, has been supposed to receive much support from an old law book ("Rawle on the Constitution," first published in 1825) which inculcated the doctrine of the right of secession, and was, it was alleged, a text-book at the West Point Military Academy, where Lee, Jefferson Davis and other leaders of the Confederacy were students. If the government of the Union in its own military academy taught secession to the officers of its army, it could not afterwards, it was said, find very much fault with them for an attempt to break up the Union. Certainly a government that would deliberately, for any length of time, teach its own destruction to its officials, would be an anomaly in history.

Close investigation, however, has shown that Rawle on the Constitution was used at the Military Academy for only one year, immediately after its publication, and for only the graduating class of that year. Jefferson Davis, who graduated in 1827, said that Kent's Commentaries, a work teaching consolidation of the Union, was the text-book at that time, and it so continued until 1876.[8]

Rawle was merely one of the minority of that time who favored secession. His argument so far as he gives it in his book inspires no respect. He had apparently made no investigation of the history of the Con-

[8] See Colonel Latta's excellent pamphlet, "Was Secession Taught at West Point," pp. 32–37.

stitution, of the way in which it was adopted, or even of its language. His argument is like Calhoun's, a metaphysical one, based not on what the Constitution actually is by its own words and by the intention and language of the people who adopted it, but on what he should presume the Constitution must be on general principles.

"To deny this right (of secession) would be inconsistent with the principles upon which our political systems are founded, and which is, that the people have in all cases a right to determine how they will be governed. This right must be considered as an ingredient in the original composition of the general government, which, though not expressed, was mutually understood. . . . It was also known though it was not avowed that a State might withdraw itself."

In other words, he admits that the Constitution itself does not, by its language, give the right of secession, but that such a right, "though not expressed, was mutually understood," outside of the instrument; and "must be considered an ingredient" of it. Such a method of reasoning is not legal; it is not reasoning at all, but mere vagueness and supposition. To assert without proof a secret understanding that a law shall be otherwise than it expresses itself is a method by which any statute, document or constitution could be readily destroyed. In the appendix to his book, though professing to reprint the Constitution entire, he leaves out the preamble which describes the Constitution as established by "We the people of the United States."

So far as there was any understanding at the time of the adoption of the Constitution, it was that the instrument consolidated the Union and prevented secession. In Pennsylvania Findlay objected to accepting the Constitution because it "amounted to a consolidation and not a confederation of States. Wilson recommended it because it was "not a compact," but "an ordinance, an establishment of the people." Patrick Henry in Virginia objected to it because it was "a consolidated national government and not a compact."

Mason objected to it because "having once consented to it we cannot recede from it." Two of the delegates from New York withdrew from the convention because the Constitution as framed by the majority was a "consolidation of the United States in one government." In Maryland, Luther Martin, who had been a member of the convention, objected because it created a national government and weakened the States. In Virginia and in New York it was proposed to ratify the Constitution on condition that if certain changes in it were not made the States would have the right to secede. But this conditional ratification could not be passed and the convention voted to accept the Constitution unconditionally. In the newspaper essays written by Hamilton, Madison and Jay, the Constitution is recommended for adoption because it is an establishment of government and not a compact or confederacy. All these historical facts point to a general understanding, not that a State could secede, but that secession was impossible except by violence and revolution.[9]

A brief summary of all the various doctrines of Union and disunion may be found useful.

1. The Right of Revolution, set forth in the Declaration of Independence and never denied or questioned in America. An inalienable right of all communities to overthrow a government or Constitution which has become intolerable.

2. The Historical Doctrine of Indissoluble Union as maintained by the majority of the Convention that framed the Constitution, announced by the Convention in their circular letter submitting the Constitution for adoption by the States, urged by the minority as an objection to the Constitution at the time of its adoption, maintained by the authors of the Federalist, enlarged and expounded by Webster and confirmed by the Civil War. This doctrine holds that the Constitution was not a league, compact or confederation, but a government, a con-

[9] Hare, Constitutional Law, vol. i, pp. 73–85; Elliott's Debates (2nd Ed., 1876), vol. i, pp. 359–395, vol. ii, pp. 111, 112, 261, 607–627, vol. iii, pp. 630, 656; Latta, "Was Secession Taught at West Point," pp. 16–22.

solidated union; that it was formed by the people of the States and not by the State Governments; that it was intended to remedy the defects of the old Articles of Confederation by creating a government that would act on individuals, that is on the people, not on the States; that the Constitution describes itself as a government and not as a league or confederacy, limits the powers of the States, makes acts of Congress the supreme law of the land, and the Supreme Court and Congress the interpreters of the Constitution. No State under this doctrine has the right to nullify acts of Congress or peaceably secede; and the Union can be broken only by revolution and the sword.

3. The Theory of the Virginia and Kentucky Resolutions, that the Union and the Constitution having been created by the States, and, there being no judge or umpire to settle disputes, each State, in cases of palpable and dangerous violations of the Constitution, is entitled to decide for itself the mode and measure of redress. This theory disposed of the historical facts and circumstances at the time of the framing and adoption of the Constitution and also the Constitution's description of the government and the Union by ignoring them and saying nothing about them; and probably this Virginia and Kentucky theory meant no more than the Right of Revolution.

4. The Hartford Convention Theory that the Union could be dissolved either by the right of revolution or by "equitable arrangement," that is by all the States agreeing to dissolve it. A self-evident proposal, hardly amounting to a theory.

5. The Hayne Theory, that the Constitution was nothing more than a compact, contract or agreement made by the States as parties, and that the General Government thus created was another party to the contract. All parties being equal sovereigns, and there being no common arbiter, each State had the right to decide when the compact had been violated and could annul, so far as herself was concerned, any acts of Congress deemed unconstitutional, and forbid and prevent them being enforced within her borders. This theory was based on the Virginia and Kentucky Resolutions; but the part of it which made the General Government a party to the compact was generally regarded as an absurdity and never maintained by anyone but Hayne.

6. The Calhoun or Metaphysical Theory, the same in outline as Hayne's, but without making the General Government a party to the compact, and supported by arguments different from Hayne's. It ignores the Constitution's description of itself and the historical circumstances at the framing and adoption of the Constitution as irrelevant, and argues that in

the nature of things the Constitution must necessarily be a league of States with the right of each State to decide for itself when the Constitution has been violated (1) because in the nature of things it is impossible to conceive of a division of power without an equal right in each to judge of the extent of the power allotted to each, (2) because the words union, federal, united, imply a combination of sovereignties, not an association of individuals, (3) because sovereignty is in its nature indivisible, and therefore each of the States must have retained its sovereignty and cannot have surrendered it or its final right to decide to the General Government, (4) because this method of each State retaining its right of self-protection and its right to nullify unconstitutional acts of Congress and forbid their enforcement within its borders will prevent tyranny and make the most perfect of all unions from which there will be no desire to break away. This theory is said to be still nominally held by many people in the Southern States.

7. The Rives or Virginia Theory accepted the Virginia and Kentucky Resolutions, not as justifying nullification or secession, but as justifying only protests by a State against unconstitutional acts of Congress. This theory admitted that the Constitution was a compact between the States; but having made that compact the States were bound by it, and the form of government created by the compact was not a league, but a national government, which admitted neither of nullification nor secession on the part of a State. This was a favorite doctrine with the Union or War Democrats in 1861.

8. The Secret Understanding. An unavowed, tacit understanding "not expressed but mutually understood," that a State had the right to secede. This idea was mentioned in Rawle's book on the Constitution published in 1825; and is similar to the statement frequently made in the South that in spite of anything in the Constitution it was understood that if the South could not honorably remain in the Union she would be allowed peaceably to secede. As it ignores law, facts and the words of the Constitution and is a mere verbal improbable statement of an impression or understanding it is hardly arguable.

9. The Abolitionist Theory. This ignored the historical circumstances of the framing and adoption of the Constitution as irrelevant and held that the Constitution contained from the beginning an immoral and inhuman compact or agreement guaranteeing the existence of slavery in the Southern States, and guaranteeing the return of fugitive slaves, that no one was bound by an immoral compact, and therefore it would be better to break up the already invalid union, separate from

the Southern States and form a Northern confederacy free from any guarantees about slavery except absolute freedom to the slave. This theory was, of course, abandoned after the Civil War, except by the Abolitionist historians who sometimes accept the Secret Understanding and maintain that before the Civil War secession was supposed to be allowable. The radical position the Abolitionists took with regard to slavery made it difficult for them to accept the historical circumstances of the adoption of the Constitution making an indissoluble Union, because an indissoluble Union made slavery legal under the Constitution.

But we are passing beyond the real subject in hand and must return to what happened in the Senate after Webster and Calhoun had finished their arguments. The advantage seemed decidedly with Webster and Jackson. One had proved South Carolina wrong and the other was ready to stop nullification and secession, nip them in the bud by force if South Carolina really meant to resist by force. This was the feeling of many people and Webster was of the same mind, and prepared to let things take their natural course under the Force Bill. But others were alarmed at the prospect of bringing the question to such an issue. They seem to have really thought not only that the whole idea of a protective tariff was in danger of being abolished forever by the opposition of South Carolina, but that that State, unless appeased, would start a rebellion throughout the whole South which could not be stopped by the rest of the country, and would break up the Union.

Henry Clay, who was now in the Senate, took this view, took upon himself to represent and act for the people who held it, and he came forward with a new measure of a kind for which he was already famous and in which he profoundly believed. In his mind the increasing danger of secession and disunion must be checked, not by bringing it to a head and fighting it out, once for all, but by compromises. In 1820 he had secured the passage of the Missouri Compromise which checked the northward extension of slavery and quieted

the slavery agitation for twenty-five years. He now brought forward his second compromise measure, which was a bill gradually to reduce the rates of the protective tariff every two years until in 1842, when the rates having been all brought down to twenty per cent. ad valorem, that rate should be continued. This, he said, would remove the grievance, the so-called unfairness of the tariff, of which the Carolinians complained, save the Union, and at the same time save the tariff itself and the principle of protection, which otherwise might be swept away at this or the next session.

This bill, it will be observed, practically abandoned the principle of protection. It enacted a tariff for revenue only and by reducing all duties to the same level abandoned that discrimination in favor of special industries which is said to be "the only true and practical mode of protection." The bill was acceptable to a majority in both Houses of Congress. Many who disliked protection saw in the scare about nullification a good chance to get rid of the tariff; and they did not mind encouraging the nullifiers by yielding to them. Clay's bill known as the "Compromise tariff" became a law; and it was many years before the protective tariff was restored.

Calhoun had placed himself in an awkward position; and if events had taken their course, as Webster was willing they should, Calhoun might have been in a dangerous position; for there is no telling what old Jackson in his wrath might not have done with him. Calhoun understood this, and sought, it is said, the assistance of Clay, with whom he had not been on speaking terms for many years.

That Henry Clay, the father and creator of the American protective tariff system, from whose speeches all subsequent advocates of protection, the world over, have drawn their arguments, should, in the year 1833, have become so frightened by the South Carolina nullifiers as to kill his own pet system, was certainly a rather

curious event in our political history. He said he did it to save the tariff; but it is rather difficult to discover in what respect he saved it or that it needed saving. He said he did it to save the Union from dissolution; but instead of tending to save the Union, he probably went a long way in encouraging the formation of the Southern Confederacy which brought on the Civil War of 1861.

Webster was deeply disappointed in Clay. He had relied on him to support the Constitution and the Union. He had written him a letter a couple of years before, urging him to come back to the Senate, where his services would soon be needed on the right side. It has been said that Clay wanted to curry favor with the South and gain votes for his insatiable desire for the Presidency; that finding many in favor of compromise he took up the idea because, as things were, Webster and Jackson seemed likely to have a great triumph over the nullifiers and such a triumph might draw off Clay's followers to Webster, and possibly give him the nomination for the Presidency. The first draft of the compromise tariff bill which he handed about among politicians for examination contained an explicit renunciation of the right of Congress, and pledged that body not to pass any measures for internal improvements or the protection of manufacturing industries. Finding that his friends were not prepared to go so far, he struck out that part of the bill.[10]

So he was ready, it seems, to sacrifice everything to the South; and even when restrained by his followers he sacrificed a great deal. It was a great triumph for Calhoun and the Carolina nullifiers. They were entirely satisfied. Congress had yielded to their threat to nullify its laws and had withdrawn the laws of which they had complained. This was in exact accord with Calhoun's theory. He had said that he loved the Union,

[10] Webster, Works, vol. xvii, p. 557; vol. xvi, pp. 213, 228, 293, 294, 391.

that he did not want to dissolve it, and that the way to prevent its dissolution was for Congress not to pass laws injurious to a particular section; if such laws were passed the section injured had under the Constitution the right to nullify them unless, as in this instance, Congress should recognize that right by wisely withdrawing the laws.

Webster was profoundly disgusted. If Clay's motive was to cut Webster and Jackson out of a triumph he certainly succeeded. It would have been Jackson's one really useful act, one instance where his violence would have been of benefit to his country, if he had been allowed to go on and crush nullification by force. For some years Webster had been convinced that the plan of a southern confederacy had been received with favor by a great many of the political men of the South. He was for nipping it in the bud, and crushing it in Jacksonian fashion, without the slightest compromise or yielding to this first practical exhibition of it in South Carolina. He made against Clay's tariff bill what was probably a very interesting speech; but as it was against the leader of a faction of his own party, he was induced not to publish it for the sake of saving appearances.[11] He afterwards regretted that he had yielded to this request.

He supported the Force Bill and it was passed. The plan of the Clay and Calhoun compromise seems to have been to settle the difficulty by passing both bills, the one yielding to the nullifiers, the other threatening them. But after the tariff bill was passed, yielding all that the nullifiers demanded, and they had rescinded their ordinance of nullification in March of that year, the Force Bill was a superfluity. There was nothing for it to act upon; and the rising generation of the South was led to believe in both the practical efficacy as well as the theoretical soundness of the doctrines of secession.

[11] Works, National Edition, vol. xvi, p. 294.

XIII

THE REMOVAL OF THE DEPOSITS, AND A CHANCE FOR THE PRESIDENCY

It was about this time that the National Republicans took the name of Whigs. It was the time-honored English term for those who opposed the king and upheld the cause of liberty, and the Republicans regarded themselves as opposing the tyrant Jackson. The nullifiers also took the same name, because they also regarded themselves as upholding the original liberty and independence of the States against both Jackson and Federalists like Webster.

The name Whig was not of much assistance to the Republicans. Clay's escapade with the tariff and other circumstances involved them in confusion and factions for many years; and in the next Presidential election they did not nominate a candidate for the Presidency.

Webster's position in politics was now a peculiar one. He had opposed President Jackson's veto of the United States Bank charter and was certainly not in sympathy with most of the President's plans and theories. But on the question of nullification the two men were in perfect accord. Jackson personally thanked Webster for supporting the administration on the occasion of the Force Bill. Other members of the Democratic party who took the same view as the President on that subject went out of their way to make themselves agreeable to Webster and to show their gratitude and admiration.

When Congress adjourned in the spring of that year 1833, Webster made a tour of the West as far as Ohio. Everywhere the people flocked to see him. He was given dinners and banquets and made speeches. The enthusiasm for him was entirely outside of factions and party lines, although that was a time of very bitter party

divisions in the West. "Mr. Webster," said the *National Intelligencer,* "has wrought little less than a miracle upon the party feuds and divisions of the western country. He has fairly extinguished the one and obliterated the other." He was accepted as an American who had stood for an undivided country; as an orator and a statesman of whose talents alone every one without regard to party might be proud. It shows how strong in the North and West was the Union sentiment as well as to what an exalted and unusual position above party lines Webster's peculiar ability had raised him.

In fact, he was becoming so very popular among the western Democrats that many of their eastern brethren were jealous and rather resented his friendliness, or, as they thought, too great influence with President Jackson. The President, through Mr. Livingston, who had been his secretary of state, intimated that he hoped Mr. Webster would continue his support. A Democratic Senator handed a list of applicants for an office to Webster and asked him to look it over. This was a great token of confidence under the Jacksonian spoils system. But Webster declined the honor. He wished to be under no obligations to the President; he was by no means prepared to become a Democrat; and much preferred his very illustrious distinction of independence.

He knew that there could be no real or lasting alliance between himself and Jackson; and he knew that a question would soon be raised on which they would be very far apart; for it was generally known in Washington that Jackson intended to remove the government deposits from the Bank of the United States, the renewal of whose charter he had vetoed the year before.

Jackson and his friends could see in the Bank only an immense moneyed power with such practical control of the currency of the country that it might become as powerful as the government and be used for dangerous purposes. In his fierce hostility to it he was not content

with vetoing the renewal of its charter and allowing it to die a natural death when the old charter expired in 1836. He believed that it had entered the political field and had used its vast wealth and influence to prevent his re-election. He wanted to wreak his vengeance on it at once; and the most terrible blow he could inflict, now that he had been re-elected, was to direct his secretary of the treasury after a certain date to leave no more of the government funds on deposit with it. It had been created to receive those deposits. To remove them would, he thought, kill it at once, and it would be incapable of harm either to him or to the country during the four years that remained of its old charter.

The Bank had been eminently successful during its whole existence. It had safely guarded the government deposits, acted as fiscal agent of the government, kept the paper currency at par, facilitated exchange and prevented the necessity of moving great masses of specie from one part of the country to the other. The business of the country, both agricultural and commercial, was at that time particularly prosperous, the veto of the renewal of the Bank charter had not seriously affected it. But the sudden removal from the Bank of $8,000,000 of government deposits, an enormous sum in those days, before it could wind up its affairs in a regular way, brought on a most disastrous financial panic, deranged all the other banks of the country, and spread ruin on all sides. Jackson's own followers were aghast at the result, and if the work were to be done over again would, Webster said, have restrained their hero. They now, however, glibly laid the blame on the Bank itself for all the distress. It had, they said, curtailed its loans and deliberately brought on the panic to extort a renewal of its charter from the fears of the people. The Bank, it is too true, had curtailed its loans, and had been obliged to curtail them, because of the attacks upon it, because of the veto of its recharter, and because the public money had been withdrawn.

They may have been right in desiring to bring the Bank to an end and not let it continue indefinitely. But they should have brought it to an end gradually and given time to Congress and public opinion to develop as a substitute some one of the other systems accomplishing the same results, which they could immediately put in its place to carry on its work. But this was not Jackson's method. He had no way but that of sudden violence. So now, when the Bank had, as he thought, opposed his imperious will, he knew of no method but of rushing on it with all the injury he could inflict.

The friendly messages and the attempt to put Webster under obligations were evidently intended to secure his assistance when the clash with the Bank should come. But it was absolutely out of the question to delude the conservative Webster into such a wild plan. The crash came, Jackson's secretary of the treasury, Duane, would not remove the deposits. Jackson dismissed him and appointed in his place Mr. Taney, afterwards chief justice, who was sufficiently complying in character to be the President's tool, and the deposits were stopped in September, 1833.

The only substitute for the Bank that Jackson and his friends had devised was to deposit the public money in certain State banks scattered over the country and try to organize them to act together as the fiscal agent of the government; to make, in short, a league of banks to take the place of the Bank of the United States. It was a plan concocted by the President and his advisers alone without public discussion or the advantage of debate among the able financial minds of the country. It afterwards required nearly ten years for the statesmen of the country to work out the modern sub-treasury plan under which the money of the general government is not deposited in any bank, but kept in the hands of the collecting officers in different parts of the country under bonds, who pay over the money when ordered by the Treasury Department at Washington.

But Jackson, in his backwoods ignorance and conceit, thought himself competent to settle the whole matter off-hand by means of that plain commonsense of ignorant people which had been so much talked of in his party.

When he stopped the deposits there was no law authorizing the placing of them in State banks. The only law on the subject authorized the placing of them in the Bank of the United States. In substituting his own will for the law, Jackson characteristically created a system in which he was to select the favored State banks. In other words, the whole money power of the government was brought into his hands, to be controlled by him without any regulation of law. He had not in any sense separated the government from banking institutions, but had created an arrangement as fully capable of being used for corrupt purposes as the Bank of the United States.

Such a stupid substitute had not the slightest effect in averting the financial panic which instantly followed the removal of the deposits. The disasters were wide and far-reaching. The State banks were not in any sense like the national banks of our time, whose notes are secured by United States bonds deposited at Washington. The State banks were mere State corporations, often with little or no capital and no definite or legal security except the ability or cunning of their managers. Many of them were "wild-cat banks,"—that is to say, they bought up cheaply printed bills which they issued under their name and used for buying western land. Having bought the land for this depreciated money, they sold the land for good money, hoping that their own bills would not come back to them for redemption. If too many of the bills came back the bank failed, and its managers went somewhere else and started another one.

Such was the crudity of American finance in those days of no national banks, no sub-treasury plan for keep-

ing the government funds; and now that the United States Bank was about to pass away, nothing but the State banks with only such security as their managers chanced to have. Of course, all the State banks were not wild-cats. Here and there, especially in old communities, there were conservative institutions; and Jackson sent out agents to find out which they were. But the best of them were apparently none too good. Of those selected by the President not a few lost their heads by the possession of so much money, and were led into all manner of speculations which entailed a long series of losses and depression upon the communities in which they were situated.

The intelligent lawyers and educated men of the President's party were in the position of the man who had the bear by the tail. He dared not let go and it was dangerous to hold on. They invented ingenious theories for the President and the infatuated masses that supported him. They explained that the real intention was to have nothing but specie as the money of the country; and to accomplish this by destroying the United States Bank, making use of the State banks for a while, and then destroying them, so that there would be no wicked banks of any kind and the dear people would have as money nothing but pure and honest gold and silver, as in the ideal ages which had existed at some time no one knew exactly when. One of Webster's most useful speeches was his ridicule of this after-thought to account for the President's fury, and his luminous exposition of the absolute necessity in modern civilization of banks of some sort and of a mixed currency, partly specie and partly paper redeemable in specie. He had a most happy faculty for explaining all these functions of finance; and it is unfortunate that the limits of this book forbid lengthy quotations.

When driven from every other defence of their chief, the followers of Jackson finally said that his

financial methods constituted an experiment, which he and they were making. This vagueness was perhaps the best defence they could have made; for the principal value of an experiment is often that it shows what ought not to be done. In that respect Jackson eminently succeeded. Webster seized eagerly on this admission of an experiment, and it will be found used in his speeches with telling sarcasm.

But all the President's palpable mistakes, and all the disasters, the corruption of the spoils system, and the financial ruin could not shake the faith of the great Democratic majority in the supposed mysterious wisdom of "Old Hickory." The reasoning of high intellects, like Clay and Webster, was futile against him. Thousands who saw his mistakes and disapproved of his acts could not bring themselves to oppose him, because of the widespread superstition that the hero of New Orleans must be right, and even when doing wrong would bring it out right in the end. It was another instance to show how our people, in spite of their natural shrewdness and ability, can at times be taken in by mere fakers.

When Webster returned in December, 1833, to his place in the Senate, with the full flood of financial disaster in the form of letters, complaints and petitions, pouring in as the result of the removal of the deposits, his task as chairman of the committee on finance was a heavy one. His duties and position as a public man were becoming more burdensome than ever with less prospect of favorable results. Nothing seemed to be accomplished; nothing seemed possible of accomplishment in the face of the infatuation of the people and Congress for Jackson. The disasters brought upon the country under Democratic rule seemed as if they might give the Whigs some chance of securing the Presidency or a majority in the Congress; but there were as yet no signs of it.

The memorials and petitions which flooded Congress

Courtesy of the S. S. McClure Company

GENERAL JACKSON WITH THE HERMITAGE IN THE BACKGROUND

demanded as a remedy for the general commercial distress that the deposits be at once returned to the Bank of the United States, to remain there at least until the Bank's charter expired in 1836. Some of these memorials were brought to Washington by deputations of citizens from various parts of the country, who called on the President to lay before him the situation and implore him to restore the deposits. They were received with outbursts of Jacksonian rage and wild denunciations of the Bank and its president, Nicholas Biddle. Jackson would pace the room while he stormed against the Bank which he declared was the cause of all the trouble. "Insolvent, do you say? What do you come to me for then? Go to Nicholas Biddle. He has all the money."

"Why am I teased with committees? Here I am receiving two or three anonymous letters every day threatening me with assassination if I don't restore the deposits and recharter the bank—the abominable institution—the monster that has grown up out of circumstances, and has attempted to control the government. I've got my foot upon it, and I'll crush it. Am I to violate my constitutional oath? Is it to be expected that I am to be turned from my purpose? Is Andrew Jackson to bow the knee to the golden calf as did the Israelites of old? I tell you if you want relief go to Nicholas Biddle." (Parton, Life of Jackson, vol. iii, p. 552.)

These outbursts of rage were deliberately posed; for when published they were found very effective with the masses, who, in their infatuation, considered them additional proof of the heroic honesty of "Old Hickory" and his devotion to the people's rights. After one of these fine outbursts to a deputation, and the deputation had departed, Jackson sent a messenger to bring back the spokesman, who found "Old Hickory" laughing over the result. "Did not I manage them well?" he exclaimed. He had actually called back the spokesman for the mere pleasure of a chuckle with him over the scene.

Here is another that went the rounds of the newspapers, to the great edification of his followers:

"In the name of God, Sir! what do the people think to gain by sending their memorials here? If they send ten thousand of them signed by all the men, women and children in the land and bearing the names of all on the gravestones, I will not relax a particle from my position." (Parton, Life of Jackson, vol. iii, p. 553.)

In Congress the President's defenders, like Benton, attributed all the panic and financial disaster to the secret and wicked contrivances of the monster Bank; and thousands of deluded people actually believed this, and sent memorials to Congress approving of the removal of the deposits. The Whigs denounced the removal and demanded that the deposits be at once restored. Calhoun, now completely alienated from the President, attacked him in strained and artificial oratory, as a public thief, not a bold, warlike plunderer, but a sneaking pilferer who had robbed the treasury. Clay, with more eloquence and with all his old-time felicity of language, bewailed the fate of his bleeding constitution and country in the hands of a man who set all laws and constitutions at defiance. After reading his speech "Old Hickory" exclaimed, "Oh, if I live to get these robes of office off me, I will bring the rascal to a dear account."

The majority in the Lower House was with the President; but in the Senate it was slightly against him. To the Whigs the financial distress and confusion seemed likely to be endless so long as the crude arrangement continued of allowing the deposits to remain in the hands of the Secretary of the Treasury or the President to be put in this bank or that, or in no bank at all, without any regulation of law.

If Jackson had contented himself with vetoing on reasonable grounds the renewal of the Bank's charter, let it wind up its affairs in the next four years, and meanwhile quietly discussed other methods of public finance, it is probable that comparatively little harm

would have been done. But to cause one panic by wrecking the Bank suddenly by the removal of the deposits, and then a series of panics by his lawless pet bank schemes, besides demoralizing half the nation by his lawless reasons and inflammatory appeals to class hatred, was—well, it was the natural method of his temperament and his extreme ignorance of all such things. His intellect extended very little farther than mere cunning.

The subject of the removal of the deposits was debated almost every day in Congress from December to June. Webster spoke sixty-four times, and probably never did such heavy and long-continued work for any other cause, legal or political. Such a long and arduous debate over an event that should never have happened, that only a madman could have committed, seems now like an extraordinary waste of time and energy. But, no doubt, the debate in the end had its educational value. Webster and the Whigs exerted themselves, they felt bound to put forward almost superhuman exertions to save the business interests of the country from absolute ruin, to reveal to the people the Jacksonian fallacies of finance. Their speeches read now like very unnecessary attempts to explain the evident, but they were necessary at the time. The Democrats labored to save their party by upholding Jackson and attacking the Bank.

The Whigs always held fast to their faith in the Bank as the only salvation for American finance. Without our experience with the sub-treasury plan and our system of national banks scattered over the country, they very naturally clung to the great institution which had brought order out of chaos, and steadied the country's currency and business methods for so many years. In reality the debate in Congress was continued throughout the Union for over ten years afterwards, or until the sub-treasury plan was finally adopted in 1846. The masses of our people have always been very slow to

learn governmental finance, as witness our flounderings in the silver and greenback crazes.

The majority in the Senate against the administration passed Henry Clay's resolution censuring both the President and Secretary for violating the Constitution and the laws in the removal of the deposits. This brought on another scene of violence with Jackson, and another long and useless debate. He sent to the Senate a protest against their resolution. The Protest was a very famous document in its day, prepared for him by some lawyer of his party, and accompanied by a demand that it be entered on the journal of the Senate. In other words, the Senate was ordered by the President to enter the whole protest upon their journal as a rebuke to themselves which they had accepted. The Czar of Russia would hardly attempt to go farther in control of a legislature. Such an attempt to muzzle the Senate and say that as a representative and legislative body they should not pass a resolution expressing their opinion of Presidential action, and that they must enter a rebuke for it on their minutes, seems now so ridiculous as hardly to deserve notice. It was going the length of saying that if the Senate should see the President borrowing money on the credit of the United States, issuing commissions to office, enlisting troops, or making war or peace without authority, they could not say so without his permission.

But in the condition of things at that time, the extraordinary infatuation of a majority of the people for Jackson, and his wonderful power and influence, the Protest was regarded by the Whigs as a very serious matter. There was only a majority of four or five against it in the Senate, and it was feared that the absurd despotism of the Protest might become a precedent and destroy the balance of the government by altering the relations between the Senate and the Executive. Four votes, one way or the other, would settle it.

Webster and his party felt that they were fighting

for a great principle. In the extreme Democratic excitement of the last few years the Senate had become unpopular. There were people extreme enough to wish to see it depressed or crippled. "It is already denounced," said Webster, "as independent of the people and aristocratic." In the animated debate on the Protest the unusual spectacle was presented of the Senate defending itself and its right to an opinion against the aggressions of the President. Such a situation was surely another tribute to the popularity and power of Jackson.

Webster's speech against the Protest is the only one of this long debate which posterity has been inclined to regard as of any permanent value; and it is now known principally from one or two famous passages of eloquence in it. Finding that no one seemed prepared to give a lawyer-like answer to the wild principles of constitutional law which the President was trying to establish, Webster took the task upon himself. He writes to his old friend Mason, that no one has as yet really answered the President, and he supposes that he must do it.

By ingenious subtleties and distorted quotations the Protest had maintained the principles that the Senate could not by resolution express its opinion that the President had violated the law or the Constitution; that such a resolution was an attempt to try and convict the President without the form of an impeachment; that the public money, like all other public property, is necessarily in the control of the President; that Congress cannot take out of the executive department the custody of the public property without an assumption of executive power; that the President was essentially the guardian of the public property and the Constitution, and responsible for the conduct of every person employed in the government. In other words, as Webster said, there was but one officer in the whole government. The President was everybody. He was the

State, and the Government of the United States had become extremely simple. There were no more checks and balances and complications.

It hardly now seems necessary to take the trouble to destroy Jackson's argument. But it was necessary at that time. The Protest had taken quite a hold on the masses. That part of it which described the resolution of the Senate as an attempt to convict the President without the form of an impeachment trial was a very clever Jacksonian pose for popular feeling, and led the Democracy to think that the innocent "old hickory" hero was being unfairly treated and unjustly tried. Then it was "hurrah for Jackson," and the hats were thrown up. They did not see that the denial of the right of the Senate to pass such a resolution was a denial of its right to express an opinion on public questions.

The cunning pose of the whole Protest was that "Old Hickory," more than any other department of government, represented the people, and that in order to protect their interests he must have charge and control of everything, and no one must interfere with him. To carry out this idea the Protest had set forth most astounding principles, at which most of the Senators were aghast, and could only storm and rage at them in general language until Webster by his cool, dispassionate analysis pricked the bubbles in detail, and gave reasons which could be accepted by the most intelligent minds.

It was curious that the Democratic party, the opponents of strong government, the supposed enemies of despotism, the party of strict construction, State rights, and weak nationality, should have gone over, body, soul and spirit, to the control of a man despotic in both opinion and practice, the loosest and vaguest constructionist of the Constitution that has ever been known, an opponent to the death of State rights, nullification and secession, and who attempted to centre the whole

national government in himself and assume more power than any European monarch outside of Russia dared to grasp.

It seems now hard to believe that the Protest, even if accepted by the Senate in 1834, could ever have become a precedent in the sense that its crude doctrines would have become a part of recognized constitutional interpretation. At any rate, it was not accepted, and posterity has no doubt had the less difficulty in rejecting its errors because of that beautifully cogent reasoning of Webster's, that detailed reasoning which was always such a delight to Chief Justice Marshall and Judge Story. Strong speeches were made against the Protest by Senators like Poindexter, Ewing, Calhoun, Clay and Bibb. But all of them were mere violent attacks or somewhat vague denunciation. They had neither the eloquence, the literary perfection in words, nor that detailed reasoning close to the admitted facts, which is the really valuable thing in the end; and which in the case of this speech of Webster's has long ago passed into the text-books and the decisions of courts.

It was not one of his long, tremendous orations; but was one of his best; a keen, brilliant little piece of well-balanced oratory, complete in itself, and leading up to a strong conclusion. There are several passages in it which are still often quoted, though few know the speech from which they are taken. The fine description of the sentinel on the watch tower of liberty, and the description of the spirit of liberty, are both in this speech, and also the passage on the British empire which occurred immediately after the almost equally famous passage on the American Revolution. He had been insisting on the importance of resisting the first step of encroachment upon the balanced powers of the Constitution.

"Those fathers accomplished the Revolution on a strict question of principle. The Parliament of Great Britain asserted a right to tax the colonies in all cases whatsoever; and it was

precisely on this question that they made the Revolution turn. The amount of taxation was trifling, but the claim itself was inconsistent with liberty; and that was in their eyes enough. It was against the recital of an act of Parliament rather than against any suffering under its enactments that they took up arms. They went to war against a preamble. They fought seven years against a declaration. They poured out their treasures and their blood like water, in a contest against an assertion which those less sagacious and not so well schooled in the principles of civil liberty would have regarded as barren phraseology, or mere parade of words. They saw in the claim of the British Parliament a seminal principle of mischief, the germ of unjust power; they detected it, dragged it forth from underneath its plausible disguises, struck at it; nor did it elude either their steady eye or their well-directed blow, till they had extirpated and destroyed it to the smallest fibre. On this question of principle, while actual suffering was yet afar off, they raised their flag against a power to which for purposes of foreign conquest and subjugation Rome, in the height of her glory, is not to be compared; a power which has dotted over the surface of the whole globe with her possessions and military posts, whose morning drum-beat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England."[1] (Works, Edition 1851, iv, p. 109.)

The idea of the Protest was never heard of again after Jackson disappeared from politics; but Webster and the Whigs were unable to have the deposits returned to the Bank of the United States. Webster introduced a bill to recharter the Bank; but as it would surely have been rejected in the Lower House if it passed the Senate, he did not press it to a vote. The deposits remained with the State banks, the Bank of the United States came to an end with the expiration of its charter

[1] Referring to this speech Harvey reports Webster as saying: "I got that impression as I stood on the walls of Quebec for the first time, and casting an imaginary glance over the broad extent of that dominion, thought of the magnitude of the power that governed half a civilized world by her superior intellect. And I was proud," he added, "that the blood of the Englishman flowed in my veins." (Harvey, Reminiscences, p. 144.)

in 1836, the panic wore itself out and was followed almost immediately by other panics, and the financial system remained in disorder until the Democrats finally worked out the sub-treasury plan in 1846.

The next year, 1835, nominations for the Presidency were again in order. It had long been one of the pet desires of President Jackson to have his friend and supporter, the Vice-President, Mr. Martin Van Buren, succeed him, or at least be nominated by the Democrats. He had his way in this as in everything else in his party. The Democrats nominated Van Buren; and it was included by Jackson among his victories when he retired to his plantation in Tennessee and boasted that he had won all his battles, defeated all his enemies, and rewarded all his friends.

As for the Whigs, they were in their usual state of confusion. They could not very well have a grand convention of the whole party, because they still had among them the faction of anti-Masons who would destroy all harmony. Their nominations were made here and there by a State Legislature or a caucus of the Legislature where they felt themselves particularly strong. Clay having been defeated in the last election was out of the race for the present. In Ohio the Whigs nominated Mr. McLean, but he was not greeted anywhere with much enthusiasm.

In Massachusetts the Whigs inclined to nominate Webster; and he was constantly receiving letters from every part of the Union from people who were eager to vote for him and urged his candidacy in the strongest language. He had been in this delicate position for many years; the forces that bring a nomination surging round him but never quite reaching the mark. He had a proper ambition for such a distinguished honor; his feelings were moved and aroused by the popularity and applause; but it was very difficult for him to say or do anything directly. A man in such a position usually tries to say as little as possible. All he could do was

to correspond discreetly with particular friends and say that he had made up his mind "to be passive and satisfied with any result."

The nomination by the Whigs of the Massachusetts Legislature was made in due time and Webster was partially before the country as a candidate for the Presidency. If the Whigs in some other States should nominate him he would be in a strong position as a candidate. Pennsylvania was an important State, where the Whigs showed great enthusiasm for him, and they seemed likely to hold a nominating convention of the modern kind if not prevented by the anti-Mason faction. At a public meeting in Chester County, the Whigs and anti-Masons united and appointed delegates favorable to Webster, and at a similar meeting in Alleghany County the anti-Masons, though in the ascendant, elected Webster delegates.

All would have been well probably if the fanatical anti-Masons, not content with Webster being entirely outside of and out of sympathy with the dreaded secret order, had not insisted on asking him questions. In the insanity of their delusion they feared he might not be willing to purge the government offices of every trace and suspicion of masonry. The spoils system introduced by Jackson had poisoned the whole country with the idea that the election of a President would accomplish nothing unless he made a clean sweep of all offices from clerks and scrub women up to secretaries of state. The Whigs admired Webster's intellect and statesmanship, his large grasp of the greatest problems and his ardent patriotism. They were ready to vote for him and even Democrats were inclined to vote for him; but unfortunately a large section of his own party felt in their small deluded consciences that all his great talents were as nothing compared to the importance of his opinion on Masons in public office. They were not willing to rely on his efficiency, ability and patriotism, that had been tested a thousand times, but must needs

demand that he promise, if elected, to confine himself "to anti-Masons in nominations to office."

It was the most trying, petty and contemptible position in which such a broad-gauge man could be placed. He tried to go as far as he could without disgust. He assured them that he had no sympathy whatever with Masonry or secret societies in general, that there could be "no question of the constitutional right of those who believed secret societies to be moral or political evils to seek to remove those evils by the exercise of the elective franchise." But he would go no farther.

"What a Chief Magistrate must do, and ought to do, so far as he is elected on Anti-Masonic principles, and in regard to portions of the country where those principles prevail, can be no matter of doubt to you or to me, or to any man who reflects, and who means to act with candor and honesty toward those who support him. I hope no one hesitates to believe that I am altogether incapable of disappointing in that respect any natural and just expectation which friends may form. But it does not consist with my sense of duty to hold out promises, particularly on the eve of a great election, the results of which are to affect the highest interests of the country for years to come." (Works, National Edition, vol. xvi, p. 260.)

He had a high ideal of the Presidency. He desired it as an honor, he had often said in his impressive voice that it was the highest earthly honor that could be attained. He probably desired it too strongly and was too ambitious for it. But with his brilliant past and the high position of intellectual independence to which he had raised himself, he could not step down to bid for it in the way the anti-Masons desired; and they should have had intelligence enough not to ask him.

Probably Old Jackson, in a similar position, would have answered "By the Eternal, Masonry shall be torn out root and branch and exterminated from the face of the earth;" and if he had added a few characteristic oaths the hats would have swung up with "Hurrah for Jackson"; and nobody would have thought of saying

that he was making a low bargain for the Presidency. Jackson was never held to account for any kind of trickery; but Clay and Webster were always held to the highest responsibility.

In 1835, when he declined the anti-Mason temptation, the Whigs of Pennsylvania split in half, and were unable to hold a united convention. The anti-Mason faction held their convention first, and rejected Webster because he had been, they said, a Federalist, and they could not "carry him"; or, in modern phrase, he was not available. So Webster was punished for the sins of his youth; for having acted with the party which opposed the War of 1812. If he had been nominated, no doubt, there would have been violent attacks upon him, after the manner of Hayne's famous speech, for his part in the war. In the popular view that was his vulnerable point.[2]

Instead of the great orator, the anti-Masons nominated General William Henry Harrison, who seemed available and easy to "carry," because he was of the soldier hero class and his services in the War of 1812 had been somewhat distinguished. The regular Whigs of Pennsylvania met in convention the next day, and in order not to divide the party still farther, accepted the nomination made by the anti-Masons. But the party was hopelessly split. The southern Whigs preferred and voted for Hugh L. White, of Tennessee. The Democrats in consequence had an easy victory, and Martin Van Buren became President.

Webster was much provoked and mortified, and at times depressed, over the loss of this nomination. It

[2] William Plumer, Webster's old friend in Congress, said of him, "He is considered as standing at the head of the old Federal party; and the sins of the party are visited on him. There is no great justice in this; but there are too many men, in all parties, who know how to use this circumstance to his prejudice." (Webster, Works, National Edition, vol. xvii, p. 558; Curtis, vol. i, p. 511.)

was the time when he was the right age and the chances seemed good. He felt as if he were being deprived of what he deserved.

"Webster is ambitious," said his old friend Plumer; "and can be satisfied with nothing short of the highest. He has acquired all the fame which mere speech-making can confer on him; but he has no substantial power adequate to his desire or the acknowledged force of his mind. He has long served under men whom he does not like and whom he considers his inferiors in mental power. His attempt to form a party of his own, or rather to put himself at the head of the opponents (Whigs and Democrats) of General Jackson, has been unsuccessful and he feels that Clay, though his inferior in many respects, is yet the acknowledged leader of the Whig party." (Webster, Works, vol. xvii, pp. 559, 560.)

Both Webster and Henry Clay seem to have been overanxious for the Presidency. Clay seems to have been worse in this respect than Webster, and had his heart most inordinately set upon it. Neither of them should have bothered so much about it. Their fame was secure and possibly better secured without it. Certainly, in Webster's case, the author of the reply to Hayne and the reply to Calhoun will a thousand years hence still be a living force when many of the Presidents will have become mere names on a long list. Even if Webster had been nominated and elected at this time, there was nothing remarkable he could have done; and that election would have prevented him becoming Secretary of State and negotiating the Ashburton Treaty, a very remarkable and famous event for him.

XIV

ATTEMPTS TO RETIRE—PANIC OF 1837—SUB-TREASURY —VISIT TO ENGLAND—HARD CIDER CAMPAIGN —SECRETARY OF STATE

For a time there are smoother waters in Webster's life. Most of the greatest events of his career, the speeches and orations which made his wonderful reputation, are behind him. He is still at work in the Senate and in the Supreme Court. We read of his efforts in the dispute with France over the payment of claims for the American vessels and cargoes which were seized in the Napoleonic wars. The financial question came up again. The crude method forced upon the country by President Jackson, of depositing the government funds in selected State banks, was working badly. The banks not having been created for such a service were awkward and uncertain in handling the funds. The Mexican province of Texas was winning her independence and it was a question whether she should remain an independent, slave-holding nation or become an American slave-holding State, and add to the power of the South. Senator Benton kept renewing his motion to expunge from the Senate journal the resolution which declared the removal by President Jackson of the deposits from the Bank of the United States unlawful and unconstitutional; and he finally succeeded, and black lines were drawn round the obnoxious resolution and "expunged" was written across it just to please Jackson and make the old fellow happy as he was leaving the Presidency and retiring to his good brick house on the plantation in Tennessee.

In all these things Webster had a part; and his words, as usual, were strong and interesting. Even on the absurd subject of the expunging resolution, when

one begins to read his remarks, the attention is held and the speech read to the end for the perfection of the reasoning and language alone. But we must pass lightly over all this routine, as we may, perhaps, call it, valuable though it was in its day and place. A new subject had come before Congress, a terrible one, with which Webster in the end was compelled to deal and suffer vast unpopularity in New England.

In his reply to Hayne he had asserted positively that the North had no intention of interfering with slavery in the South and had not interfered with it. It had not interfered officially; that was true. The public men of the North were as one in the opinion that slavery in the States where it was recognized and legalized by the Constitution should be let alone. Unfavorable comment and criticism on slavery had been comparatively slight. Slavery had, of course, often been spoken of as an evil; but hardly more in the North than in the South. Emancipation societies were in fact more numerous in the South than in the North. But now the abolitionist party of New England and the West, though barely five years old, was gathering most alarming strength; their ideas were spreading throughout the North and they announced in the boldest and most open manner that they intended "the speedy and entire abolition of slavery." Their petitions were flooding Congress; and so determined were the majorities in both Houses, and indeed the majority of people in the North at that time, that there should be no official interference with slavery, that Congress would not even receive the petitions. Webster resisted this decision; he thought that the petitions should be received and read. To reject them on sight was, he argued, a denial of an immemorial Anglo-Saxon right and tended rather to inflame the fanatical abolitionists and give them the popularity of martyrdom.

That Webster felt that there would be no more great opportunities for him in the Senate and that he would

have a better chance for the Presidency by resigning cannot be positively asserted. But at this particular time he broke out in a long-threatened determination to resign and retire to private life and farming on a large scale. He was almost fifty-five years old. He had had a long and most laborious political and legal career at Washington. He had argued in the Supreme Court momentous constitutional cases which, being decided his way, had built up nationality and union. In the same court he had appeared every winter in innumerable suits involving the most important commercial interests and millions of dollars. At the same time he had more than fulfilled his duties in the Senate. The mere animal energy required to go through with this prodigious double work in both court and Senate was in itself a marvel and has seldom been equalled. He had expounded in the Senate great constitutional principles and raised them to a clearness and popularity they had never had before. There were millions of people in the country who were saying at every opportunity that he had done more for sound principles of finance and more to establish nationality and union than any man since the framers of the Constitution.

Having gone through with such a task for so many years and lived what to him was a detestable life in lodgings at the capital, having for so long thrown away, as it seemed to him, great opportunities of professional advancement and increase of fortune, he felt that he had earned either retirement or a change of occupation. He never had had leisure to visit England or travel in Europe, although he had been planning for that enjoyment for twenty years. No doubt as he grew older the strain of the sedentary life told more and more unpleasantly upon his health. The drinking habits of the Senate were bad; the pocket pistol, as the whiskey flask was called, was always in evidence; there were feasts in committee rooms, and Webster, like others, is generally believed to have seriously injured his iron consti-

tution. The irritability which characterized his later years may have begun at this time. No doubt he also felt that he was entitled to a suitable nomination for the Presidency, and had been rather unfairly denied it.

The red gods again called loudly to him. He could think of nothing but Marshfield, the ocean, the great fields, the cattle, the crops, the loads of kelp, his friends the Thomases, who sympathized with his tastes, and the boatmen who took him fishing and gave him long days of health and glorious nights of sleep. From these his powerful energies branched out, leaving the dry law and the Constitution, and the "din of politics," as he called it, and set him dreaming about the vast prairies of the West. Everyone was listening to tales of their wonderful fertility and the romance and freedom of the life. He himself had grown eloquent about them in the Senate. So he was planning a great farm in Illinois, a thousand acres at least, partly as a land speculation, partly as a pleasure, and wondering whether he would love it as much as he loved Marshfield.

He had for some time been buying western land and interests. He had had his son Fletcher out there buying for him in several States and had also been buying through agreements with persons in that region. In company with members of Congress he bought an interest in Winnebago City. This he admitted was "fancy stock." From a letter only recently printed we learn that in March, 1838, he owned lands in Ohio, Indiana, Illinois, Michigan and Wisconsin which he wished to sell and had sent Ray Thomas out there at a salary of $2000 a year and expenses to sell them for him and look after his interests. His large farm near La Salle, Illinois, he intended to keep, and his son Fletcher was already living on it. He had, no doubt, been led into these purchases and expenses by the excitement and wild talk about such things in Washington. They seem to have been pretty much all failures; and they enable us to see how all the money he

could make was dissipated and why his debts accumulated.[1]

We have a letter he wrote about this time to the son of Captain Thomas, Charles H. Thomas, who, now that the captain had grown old, seems to have been the manager at Marshfield. Webster's letters were usually short, even those on very important political subjects, but this letter about things to be done at Marshfield was a very long one, possibly the longest he ever wrote, full of directions and inquiries about liming, hauling kelp from the seashore, fattening the old oxen, giving pleasing names to the outlying farms he had bought in, and all manner of anticipation of the pleasures he would have as soon as he could break away from the Senate and the Supreme Court and break loose at Marshfield. The keen, shrewd brevity of his letters on politics and business display his intellect, but this Marshfield letter, with its exuberance of details, its indifference as to time or number of words, shows where his heart was.

Shortly before this letter was written his desire to retire from public life could no longer be restrained, and he sent to the Massachusetts Legislature his resignation from the Senate. His great farm near La Salle, Illinois, was to be stocked and developed in the most approved way for great profit and great pleasure and called Salisbury, after his native town in New Hampshire. He, himself, must go out there, travel about to see more of his own country, and then gratify the desire of his whole life by a visit to England. He might, at some future time, perhaps, return to the Senate; but for awhile, he thought, he ought to devote himself to his private interests which had been sacrificed for so many years.

He found, however, that his friends, followers and admirers were determined to put him in a position in

[1] Works, National Edition, vol. xvi, pp. 279, 280, 295, 296.

which resignation would be practically impossible. A committee of the Whigs of the Massachusetts Legislature, with the Speaker, Robert C. Winthrop, at their head, requested him to withdraw his resignation, or, at least, postpone it for a year. Private letters to the same effect poured in upon him. In New York a meeting of Whigs, at which Chancellor Kent presided, arranged for a very magnificent public dinner which was intended either to stop his resignation or celebrate his retirement in a most imposing form. The truth was, that in the confused state of the public finances as the result of Jackson's reign, and the uncertainty of the stability of the Union under the nullification and anti-slavery excitements, nearly all the mercantile, banking and manufacturing classes, as well as lovers of the Union, relied upon Webster's assistance as indispensable and sincerely regarded his resignation as a calamity.

Never before or since, in the history of the country, has such popular pressure been brought to bear upon a Senator to prevent his retirement. They seemed to care little about his aspirations for the Presidency, but everything for having him do their work in the field where he had proved his fitness, the Senate. He found himself utterly unable to resist. The resignation was withdrawn, and at the New York meeting he made a speech usually known as the speech at Niblo's Garden or Niblo's Saloon; and a good deal praised. A modern reading of it, however, seems to rank it among his minor efforts. He gave a good review of the Jacksonian administrations and his own conduct and opinions. He went back into the past, and forecasted the future, warning against the annexation of Texas, foretelling the coming power of the Abolitionists and the increasing danger to the Union of the slavery question.

In May he made a tour to Ohio, Kentucky and Illinois; and the account of it is a most extraordinary record of public dinners, barbecues, speeches to immense

crowds and people flocking to see him, as one of the curiosities and wonders of the world. He met them in an intimate social way and they were charmed by his genial manner and hearty enjoyment of the simple pleasures of western life. Evidently he was a revelation to them of personal dignity, intellectual power, manly bearing and social ease which enlarged their faith and wonder in the capacity of human nature. There are several instances in his life of this popularity, an amazing popularity among all sorts and conditions of men, greater than anything we have seen in our time. And yet in many ways it was not equal to the popularity of Jackson. Webster could not be elected to the Presidency and had not even hold enough to secure a favorable and whole-souled nomination from any party.

Possibly his popularity may have been made up from a class different from that of Jackson, or made up largely of mere curiosity and wonder at the unusual spectacle of such talents, genius, intellect and personal appearance united in one man; or, perhaps, he needed just that one slight touch of military experience which always inflames the American heart. If he had been in just one small battle, exhibited some one act of violence, ordered a couple of Spaniards or Englishmen shot, he might have been nominated by acclamation of all parties.

While he was away on this western tour, the famous financial panic of 1837 began. It was the most serious and devastating of all the rapidly succeeding panics which had resulted from Jackson's passionate manipulation of the Treasury and the banks. It was precipitated by the Jackson Specie Circular, as it was called, which was an order from the Treasury, without any authority from Congress or from laws, directing the government agents to accept only gold and silver in payment for sales of public lands. It was part of the Jackson party's plan to bring about a currency composed of only gold and silver and abolish bank notes and paper money

altogether. This effort on their part, Webster charged, arose from the fear that their unfortunate meddling with the deposits and the banks would soon precipitate an inordinate and disastrous issue of irredeemable paper money which might, perhaps, be prevented if they rushed everything at once to specie and made the whole currency specie. The effect of the Specie Circular was to render worthless the notes of the wild-cat banks of the West, and by confining the government to specie, to diminish the general circulation of the money of the country. The diminished circulation checked business, lowered prices, overwhelmed debtors, discouraged enterprise, and soon it was found that no bank, wild or tame, could pay its debts or borrow money.

It was the final experiment, the last spasm of the thoroughly rotten and absurd Jacksonian financial system, and may have been valuable for the purpose of clearing the whole thing away and giving an opportunity for sounder methods. Men's eyes were beginning to open and see that it had all been wrong, not only Jackson's schemes, the removal of the deposits, the establishment of pet banks for the government funds, but the United States Bank itself, although it had been valuable and worked well for forty years.

President Van Buren, who succeeded Jackson, dealt with the situation both wisely and well. He called a special session of Congress, which compelled Webster to cut short his western tour before the crowds that came to stare at him were half satisfied. In compliance with the President's wishes Congress authorized the Treasury to issue its own notes to the amount of $10,000,000, a plan resembling in principle the method adopted during the Civil War. Webster opposed this issue, because the notes, being without interest and with no fixed period for redemption, were mere paper money. We can sympathize with his thoroughgoing, hard money principles; but in this instance he was going too far. This paper money issue was valuable as a temporary expedient;

because the government, though lately so rich that it had divided part of its surplus among the States, had now not sufficient money to pay its creditors. Its revenues were in the Jackson State banks, and those banks could pay nothing.

For a permanent plan for managing the public finances the Whigs were stupid enough to propose the chartering of another United States Bank. But President Van Buren, in his message to Congress, was forced by the circumstances to take a very fortunate view of the situation. He felt that he must wipe out the whole Jacksonian muddle, and therefore he suggested that the government cut loose altogether from banks of every kind, that it make no attempt to regulate the currency in any of the old methods, and that its revenues should be held in the hands of its collecting officers under bond, in various parts of the country, to be paid out by them to public creditors on Treasury orders. This, with subsequent modifications, became the sub-treasury plan under which we have prospered so well for several generations; so well, indeed, that we are unconscious of it; and most of us are unaware that there is a sub-treasury.

But when proposed in the Congress of 1837, it could not be carried. Webster opposed it in a powerful speech, going over again in a most interesting manner all the facts and reasons which showed how valuable the United States Bank had been in the past. As presented at that time the sub-treasury plan was coupled with the assertion of the Democratic principle that the government had no power to regulate the currency. It was this doctrine that Webster particularly attacked, and he showed in his luminous and instructive way that the power given by the Constitution to regulate coinage and regulate commerce, coupled with the prohibition against the States issuing their own paper for circulation, necessarily gave the power to create a stable currency and regulate it.

The sub-treasury plan was not adopted until 1840. It was repealed by the Whigs in 1841, and finally established by the Democrats in 1846. Webster would, no doubt, now admit its usefulness; but in his time it seems to have impressed him as a crude absurdity, a withdrawal of the government funds from useful circulation and a locking of them up in vaults and cellars very much as old country people are supposed to keep their savings hid away behind the chimney or under the barn. It was too simple; he had been too long accustomed to complications and elaborateness to grasp such an astoundingly easy solution.

His numerous and often lengthy arguments against the sub-treasury are, however, extremely valuable and instructive reading, both historically as well as for their enlightening exposition of many of the eternal verities of finance. It must be remembered that the sub-treasury plan was not presented to him in the simple form it assumes when we now watch its workings. It was presented mixed up with and supported by wild absurdities, or principles, so-called, of the Jackson party. That party was railing against banks and credit, storming against imaginary aristocracies, exciting the poor to make war upon the rich, telling the laborer, whose wages were higher than anywhere else in the world, that he was a shackled slave, and assailing the long-established methods of finance as oppressions. They were supporting the sub-treasury as a plan "to rid the country of all banks as being but so many nuisances and to abolish all paper currency whatever." They managed to connect this advocacy of the sub-treasury with their defence of the Specie Circular. Having found that the circular had diminished circulation and thus brought on the panic, they attempted to show that there was too much money circulating at that time, and therefore the circular must have been a good thing, in spite of the panic. A large part of one of Webster's speeches against the sub-treasury was taken up in

proving that there was not, at that time, an excess of currency; and his method of showing this was of educational value to everybody.

In fact, in the whole series of these financial speeches against the Jacksonian fanaticism, extending over a number of years, Webster occupied a very high educational position, which endeared him to the hearts and minds of the conservative and well-educated elements of the country, the bankers, the capitalists, the merchants and the trading and shipping interest; wicked, dangerous people all of them, said the Democrats. These capitalist classes felt so grateful to Webster that they willingly supplied large sums of money to pay his debts and keep him in Congress. They became his people, his constituency scattered over the whole country, his clients, some have insisted on calling them, and he became their representative, "the merchant's pet" who roused both their admiration and their confidence whenever he explained the functions of banks, money and finance.

He must have given exhaustive study to these subjects; for his exposition of them is as valuable to-day as it was eighty years ago, and is delightful reading besides. One of his criticisms of the sub-treasury plan is still a sound one. He deplored its tendency to hoard the government money, lock it up in vaults, instead of putting it in free circulation among the people, as the United States Bank had done. This inconvenience in times of money stringency has been often felt; but, of course, does not outweigh the great general advantage of the sub-treasury.

The exact origin of the sub-treasury plan seems to be unknown, except that we find it first suggested in Congress in 1834 by W. F. Gordon, of Virginia.[2] Van Buren made no claims as its originator. It was, however, an obvious method; for if, as an individual or a

[2] Von Holt, Constitutional History of the U. S., vol. ii, p. 202.

government, you cannot trust banks to keep your money, the natural remedy is to build vaults or hiding places of your own for it. The Democrats, having destroyed the United States Bank and then having tried the experiment of pet State banks and the experiment of abolishing bank notes, all with ruinous results, were simply driven to the sub-treasury plan as a last, and, as it turned out, very lucky resort.

One of the discussions of the sub-treasury came near branching out into a debate on nullification, disunion and all sorts of subjects like the Great Debate of 1830. Calhoun was advocating the sub-treasury, but not altogether on the merits we now see in it. The sworn enemy of Jackson, he had now, however, gone over to the support of Jackson's pupil, Van Buren. He had changed all the opinions of his youth and middle age; from having been an advocate of protection, union, internal improvements and of the United States Bank, he was now the enemy of all of them, and was railing against the long-established methods of finance, denouncing everything settled and conservative, and seemed to think that the sub-treasury would, in some way, help nullification and slavery. That he aroused Webster's high indignation was natural, and the two old friends were soon pitted against each other in a controversy which has given us some of the most frequently quoted passages of Websterian eloquence. It was in this debate that, speaking again for union and against Calhoun's boast that he was marching under the "Banner of State Rights," Webster said:

"I came into public life, sir, in the service of the United States. On that broad altar my earliest and all my public vows have been made. I propose to serve no other master. So far as depends on any agency of mine, they shall continue United States; united in interest and in affection; united in everything in regard to which the Constitution has decreed their union; united in war for the common defence, the common renown and the common glory; and united, compacted, knit firmly together in peace, for the common prosperity and

happiness of ourselves and our children." (Works, 1851 Edition, vol. iv. p. 499.)

Some of the best instances of that oratorical humor, so classic and perfect of its kind, are to be found in this debate. The picture he drew of old Jackson, frowning and terrible, suddenly walking into the Senate and finding that the Democrats had accepted as their leader and defender of his policies his detested enemy, Calhoun, was a great hit in its day.

"On the broad surface of the country, sir, there is a spot called the 'Hermitage.' In that residence is an occupant very well known and not a little remarkable in person and character. Suppose, sir, the occupant of the Hermitage were now to open that door, enter the Senate, walk forward, and look over the chamber to the seats on the other side. Be not frightened, gentlemen; it is but fancy's sketch. Suppose he should thus come in among us, sir, and see into whose hands has fallen the chief support of that administration which was, in so great a degree, appointed by himself, and which he fondly relied on to maintain the principles of his own. If gentlemen were now to see his steady military step, his erect posture, his compressed lips, his firmly knitted brow, and his eyes full of fire, I cannot help thinking, sir, they would all feel somewhat queer. There would be, I imagine, not a little awkward moving and shuffling in their seats. They would expect soon to hear the roar of the lion, even if they did not feel his paw."

Calhoun assailed Webster's opinions, conduct and consistency, comparing them with the immaculateness of his own; and the opening passage of Webster's reply is another famous instance of that mellow humor.

"Mr. President,—I came rather late to the Senate this morning, and happening to meet a friend on the avenue, I was admonished to hasten my steps, as 'the war was to be carried into Africa,' and I was expected to be annihilated. I lost no time in following the advice, sir, since it would be awkward for one to be annihilated without knowing anything about it.

"Well, sir, the war has been carried into Africa. The honorable member has made an expedition into regions as remote from the subject of the debate as the orb of Jupiter from that of the earth. He has spoken of the tariff, of slavery, and of the late war. Of all this I do not complain. On the

ontrary, if it be his pleasure to allude to all or any of these opics, for any purpose whatever, I am ready at all times to ear him.

"Sir, this carrying the war into Africa, which has become o common a phrase among us, is, indeed, imitating a great xample; but it is an example which is not always followed vith success. In the first place, every man, though he be a nan of talent or genius, is not a Scipio; and in the next place, s I recollect this part of Roman and Carthaginian history,— he gentleman may be more accurate, but as I recollect it, vhen Scipio resolved upon carrying the war into Africa, Han- ibal was not at home. Now, sir, I am very little like Han- ibal, but I am at home, and when Scipio Africanus South- Caroliniensis brings the war into my territories, I shall not eave their defence to Asdrubal, nor Syphax, nor anybody else. meet him on the shore, at his landing, and propose but one ontest."

Calhoun resorted to the device of intimating that he had something seriously unfavorable to say of Web- ster's conduct in the War of 1812, as compared with his own, but time would not allow him to go into it. This way of leaving an unfavorable impression against a man without incurring the responsibility of making definite charges was a small trick for the Carolina cavalier to play. But Calhoun was a sadly changed man; in chang- ng his politics to support nullification and slavery, his methods also had suffered a change. The trick was a useless and even dangerous one to use against Web- ster. It gave him the broadest kind of opportunity to use his powers of sarcasm. He called upon Calhoun for definite charges; and as there was no response he went into the whole history of his own and Calhoun's conduct during the war, the days of their early friendship, when they had voted the same way on every public question, internal improvements, Bank, war measures and all, and Calhoun had been a union man endeavoring, as he said, to "bind the republic together with a perfect system of roads and canals." It was a tactical blunder for Calhoun to raise the question; for it gave Webster a reason for showing by record proof Calhoun's complete

summerset in opinion, and the flimsiness of his excuses to cover it up and give the appearance of no change.

It was a beautiful speech on Webster's part; in fact, there was more than one in this debate with Calhoun; all of them full of tenderness for his old friend; genial, and almost jovial, references to the old days of intimacy; high compliments to his ability and former usefulness, "the generous character, the liberal and comprehensive mind" of the youthful Carolinian, when he first appeared in Congress, overflowing with great objects and high ideals. For perfection in English and beautiful simplicity and effectiveness, these speeches would find few equals even among Webster's best. Francis Lieber, who listened to some of them, said that such an opportunity for sarcasm had never before been offered to such a master of it.[3]

Webster, as already observed, had always had a fancy for being sent as Minister to England. Although his services in political life were long and so undoubtedly valuable to both his party and the country that his wishes in any matter of this sort were entitled to much consideration, yet he never was able to attain the only two offices for which he had any ambition, the Presidency and the mission to England.

In the spring of 1838 there seemed as if there might be an opportunity for him to go to England. The boundary between Maine and Canada had long been a subject of dispute, and it was now becoming a serious and unpleasant one. Inferior men, unable to grasp the situation, had prevented a settlement by increasing the irritation. It was now suggested that a special minister be sent to England for the sole purpose of negotiating a settlement of the boundary; and at least one member of President Van Buren's cabinet was in favor of sending Webster. The President himself rather doubted if the Massachusetts orator would be sufficiently pacific

[3] Life and Letters, p. 129.

in his methods. But Webster, who felt that he understood the question, was quite ready to go, and gave to Mr. Poinsett, the member favorable to him in the cabinet, a memorandum of his views.

However, the President made no appointment, which was probably just as well. Webster would very likely have gotten himself in difficulties by going in the service of an administration with which he was not politically connected, and as things turned out, he went about the business in a much better way by going as a private individual to accomplish one great object of his life, a sight-seeing visit to England.

He sailed in May of that year, 1839, apparently on one of the steamers which had only recently begun to carry passengers across the Atlantic; for he describes the voyage as made from New York to Liverpool in a little over fourteen days through a calm sea. It was so calm, he says, that his favorite fisherman, Peterson, at Marshfield, "could have rowed me over in my boat." There were some eighty passengers on board, rather crowded, he said, and he amused himself learning from the first mate to take latitude and longitude. He was always very fond of astronomy.[4]

From one or two remarks in his letters he seems to have thought that he could "do something useful to himself in England;" and in another letter he writes, "I have such letters from England as induce me to think it would be greatly for my interest to make the trip." Exactly what he referred to is not clear. He may have meant that he could make such acquaintances there and show himself acceptable to that nation in such a way as would lead to his employment in negotiating a settlement of the boundary dispute. He felt that he could settle that dispute and win great distinction in it. But he also may have meant that he would be able to sell to capitalists in England his large holdings, some

[4] Correspondence, vol. ii, p. 47.

20,000 acres, of western lands. He was deeply in debt; these western speculations could not be readily turned into cash in America; and he says in a letter that if he goes to England he must make the sale of these lands the leading object of his voyage.[5]

His family were with him—his wife, his daughter Julia, engaged to be married to Mr. Samuel Appleton, Mrs. Paige and his son Edward. It was a grand outing. They landed in Liverpool, visited quaint old Chester, as our tourists still do, and then went down to London, wondering at the agricultural beauty and richness, and the tasteful garden-like appearance of the country.

"Even the wheat sowing and potato planting are all done so nicely, the ground looks as if it had been stamped as people stamp butter. And then there are the deep green fields, and the beautiful hedges. Of cattle, in driving over so great a part of this little Kingdom, I saw many varieties and of different qualities. All around Liverpool the Ayrshire breeds abound, and they far surpass anything else I have seen. In hundreds of flocks every one looks as if William Sherburne had been feeding and carding it for six months." (Works, National Edition, vol. xvi, p. 308.)

But they could not remain long unknown. Soon they were established in London in the midst of the season, and flooded with invitations to meet notables, poets, statesmen, and among them Boz, as Charles Dickens was called in those days. He looked, Webster said, "as if he were twenty-five or twenty-six years old, is somewhat older, rather small, light complexion, and a good deal of hair, shows none of his peculiar humor in conversation and is rather shy and retiring."

Webster investigated the methods of Parliament and watched the barristers at the inns of court arguing cases. Of the barristers he said:

"They are vastly better trained than we are. They speak slowly. They get up, begin immediately, and leave off when

[5] Works, National Edition, vol. xvi, pp. 306, 307; Van Tyne, Letters of Webster, p. 724.

they have done. Their manner is more like that of a school boy, who gets up to say his lesson, goes right through it and then sits down, than it is like our more leisurely and elaborate habit. I think Sergeant Wilde, who is esteemed a long speaker, argued an insurance question in fifteen minutes, that most of us would have got an hour's speech out of." (Works, National Edition, vol. xvi, p. 309.)

Sir Robert Peel seems to have made a great impression on him; and in after years he used to say, "Sir Robert Peel is head and shoulders above any man I ever saw in my life."[6] One of his best letters sent home was to young Charles Thomas, who was managing Marshfield; and to whom he describes his meeting Sydney Smith, Wordsworth, Rogers and Moore, and the fashionable breakfasts of the day.

"An English breakfast is the plainest and most informal thing in the world. Indeed in England the rule of politeness is to be quiet, act naturally, take no airs and make no bustle. . . . This perfect politeness has, of course, cost a good deal of drill. Fuss and feathers can be subdued only by strict discipline." (Works, National Edition, vol. xvi, p. 308.)

Of the debates in Parliament he said:

"I have attended the debates a good deal, especially on important occasions. Some of their ablest men are far from being fluent speakers. In fact, they hold in no high repute the mere faculty of ready speaking, at least not so high as it is held in other places. They are universally men of business; they have not six and twenty other legislative bodies to take part of the law making of the country off their hands; and where there is so much to be done, it is indispensable that less should be said. Their debates, therefore, are often little more than conversations across the table, and they usually abide by the good rule of carrying the measure under consideration one step, whenever it is taken up, without adjourning the debate. This rule, of course, gives way on questions of great interest." (Works, National Edition, vol. xvi, p. 313.)

It was the same experience that we have read of in the lives of Lowell, Holmes and other distinguished Americans who have visited England. Breakfasts and

[6] Lyman's Memorials, vol. ii, p. 104.

receptions without end and dinners for evermore. "London hospitalities," he writes, "have nearly overwhelmed us," and after London came the invitations to the country seats of the aristocracy. His old friends who had known him when they travelled in America, of course, entertained him. He went to Oxford to the national cattle show and made a speech, the only one he delivered in England. Wherever he went he was investigating the cattle and the turnip fields. The recent introduction of steamboats, which, it seems, had poured crowds of tourists into Scotland, spoiled part of his pleasure. He had hoped to roam among the scenes of Scott's romances unannoyed by bustle and hurry. He longed to walk with just one companion over the mountains "and moralize by the way." He wanted to "go far to the north and see the main frame of the highland world."

Carlyle met him in London and wrote a characteristic description in a letter to Emerson.

"Not many days ago I saw at breakfast the notablest of all your notables, Daniel Webster. He is a magnificent specimen. You might say to all the world, 'This is our Yankee Englishman; such limbs we make in Yankee-land!' As a logic-fencer, advocate, or parliamentary Hercules, one would incline to back him at first sight against all the extant world. The tanned complexion; that amorphous, crag-like face; the dull black eyes under the precipice of brows, like dull anthracite furnaces, needing only to be blown; the mastiff mouth, accurately closed; I have not traced so much of silent Berserker rage, that I remember of, in any other man. 'I guess I should not like to be your nigger!' Webster is not loquacious, but he is pertinent, conclusive; a dignified, perfectly bred man, though not English in breeding; a man worthy of the best reception among us, and meeting such, I understand."

Mr. John Kenyon, an Englishman, who saw a good deal of the Websters and travelled with them at times, has left some very interesting reminiscences far too long to quote in full. He was with them at Oxford; but disliking the crowd at the agricultural dinner, dined with

Webster's family at their hotel while Webster himself was delivering his speech at the meeting.

"He returned to us early in the evening, sliding into the room joyously, half as if he were dancing, and as if to tell us, good naturedly, that he was glad to come back to us. After a little while I said, 'But I am sorry to have missed your speech, which they say was a capital one.' 'Order in some wine and water and I will speak it to you over again'; which he did most festively, stopping by the way to tell me that he had wished and had prearranged with himself to make such and such points. Fancy how delightful and how attaching I found all this genial bearing, from so famous a man; so affectionate, so little of a humbug. His greatness sat so easy and calm on him; he never had occasion to whip himself into a froth."

His address at Oxford was not as notable as he could have made it. From something he says it appears that he found the audience and circumstances not favorable to a long speech. So his brief remarks were for the most part complimentary and rather an introduction to what might have been a speech. For a moment he got on the subject of the oneness of the Anglo-Saxon race, hands across the sea, brothers, and all that sort of thing, which has so often been enlarged upon in our time. It was less hackneyed then, and in view of the way in which he wished to settle the rather serious matters of dispute between us and England, he might naturally have wished to say more on this point. But very likely he said enough.

One thing he said about English agriculture shows us how times have changed. Agricultural land, especially wheat cultivation, has so increased in area all over the world that it is a long time since anyone has thought of the crops raised in little England as much more than a drop in the bucket. But Webster reminded his hearers that the fear of a short crop in England "deranges and agitates the business transactions and commercial speculations of the whole trading world."

When he returned home the Massachusetts Legislature, largely composed of farmers, insisted on his de-

livering before them an address on English agriculture. This was far more interesting than his Oxford speech, and shows not only his enjoyment of farming and his close observation, but is of some historical value on the English methods of that day. Those were the days of very profitable agriculture, when the turnip was King of England as cotton was supposed to be King of America. It had been discovered, not so very long before, that turnips were the best rotation after wheat and barley; and, as Webster said, "they vastly enriched England." They rested and with their broad leaves shaded from the defertilizing effects of sun and wind the ground that formerly had been wastefully allowed to lie bare with all the risks of that condition. At the same time they fed millions of sheep, which ate them all winter long on the ground.

Webster describes some turnip fields of four hundred acres. Most of them, however, were of the more usual size of thirty or fifty acres. It astonished him that the sheep could live out all winter without shelter, and the large profit was obvious. The wonderful breeds of fine cattle and sheep, of course, delighted him. Indeed, it was the turnip that had developed these fine breeds, especially of the sheep. The turnip was everything. The literature of the country life of that time is full of it. The English partridge found shelter under the broad leaves, was also developed in great numbers, and afforded the finest sport with pointer and setter dogs that the English country gentlemen had ever known. The dogs themselves were developed to that perfection of intelligence and training we have known in our time. The country gentleman himself was developed by the profits and the sport to a nobler character than before; and surely if the turnip was not King of England, it deserved to be adopted as the national emblem of that age.[7]

[7] Besides his speech see a letter, Works, National Edition, vol. xvi, p. 314.

Webster had also much to say on underground drainage and sowing with a drill, which were then rather new ideas, and he also described the irrigation at Sherwood Forest.

Although nothing was ever positively said about it, yet it is probable that Webster took particular pains to make himself agreeable in England, with the design that confidence and good will of that sort would be a great help to him if he should be called upon to settle the diplomatic difficulties between the two countries. In this part of his plan he certainly succeeded.

"Mr. Webster's calm manner of speaking," says Miss Mitford, "excited much admiration, and perhaps a little surprise, as contrasted with the astounding and somewhat rough rapidity of progress which is the chief characteristic of his native land. And yet that calmness of manner was just what might be expected from a countryman of Washington; earnest, thoughtful, weighty, wise. No visitor to London ever left behind him pleasanter recollections, and I hope that the good impression was reciprocal. Everybody was delighted with his geniality and taste; and he could hardly fail to like the people who so heartily liked him." (Mary Russell Mitford, Recollections of a Literary Life.)

Mr. Kenyon took him and his family to see Miss Mitford. They walked in her pretty garden; and he afterwards sent her some seeds of American plants, which she considered a very distinguished and kind attention. He left England, Mr. Denison tells us, as if he had again determined to quit both public and professional life and devote himself more to his great western farm in Illinois. He no doubt talked much of the waving prairies; but when he arrived in New York on the 29th of December, 1839, he found that a few weeks before the Whigs had at last succeeded in holding a national convention, had again nominated General Harrison for the Presidency and there was heavy work to be done.

He took his accustomed place in the Senate in February, 1840, having been re-elected the previous

year. But the only striking event in his life this winter and spring was not political. Young Ray Thomas, whom he employed as agent for his western lands and to whom he had taken a great fancy and treated like one of his family, came to Washington to see him, was taken ill of one of those violent bilious fevers so much heard of in those times, and died. His illness was peculiarly distressing, accompanied by convulsions and delirium; but the distinguished Senator from Massachusetts was frequently at his bedside and "for about a week," the doctor reported, "was with him almost constantly day and night." His careful and detailed letters to the young man's parents every day, and sometimes twice a day, are really beautiful, a revelation of a wonderful character and tenderness, but unfortunately too many to quote in this volume. He sent the body home to be buried in his own graveyard at Marshfield.

Soon afterwards the Presidential campaign to elect Harrison began and Webster's services were demanded. The Jacksonian craze had passed; and the eyes of the people were opening. As a result of Democratic rule through two administrations of "Old Hickory" and one of his pupil, Van Buren, the people saw nothing but a continuous and universal derangement of the currency and a continuous series of financial panics and bankruptcies. They were amazed, lost faith in their heroes, were ready for a peaceful revolution, and very anxious to hear arguments and ideas. Immense crowds attended the meetings, speech-makings, conventions and processions which were gotten up on every occasion and excuse all over the country.

The Whig candidate, General Harrison, was not a man of very marked ability; but he had certain characteristics, in a small way, resembling the most popular of Jackson's, which made him the best person that could have been nominated. He had fought in the War of 1812, he had been poor in his youth, had lived

in a log cabin, and had a reputation for honesty. The log cabin proved to be an unforeseen but most lucky accident. It took the place of "By the Eternal" and other forms of Jacksonian fury. The Democrats unwittingly started it. Some of their newspapers began ridiculing the origin of Harrison, saying that he had been born in a log cabin, that his mother had cradled him in a sap trough, rocked him to sleep in a hog trough, dressed him in coonskins, and brought him up on hard cider. It was a most fatal mistake. The Whigs saw their chance and adopted it all. Webster himself recommended it. "Let him," he said, "be the log cabin candidate."

So pictures and speeches represented Harrison as the log-cabin hard-cider coonskin candidate. The Whigs called themselves coons and called the Democrats Locofocos, because when the lights went out at a Democratic meeting in Tammany Hall they lit locofoco matches. Great capital was made of Harrison's victory over the Indians at Tippecanoe, and there was a song of "Tippecanoe and Tyler too." Log cabins were carried in processions. The people assembled in log cabins or at "hard-cider log-cabin coonskin bear-trap Tippecanoe-and-Tyler-too mass meetings," to make speeches, drink the old frontier cider, and sing songs about Tippecanoe. It was in this "hard cider campaign" that the effectiveness of the political procession as a means of excitement is supposed to have been discovered; and never before had the political procession been so much used.

Webster's part was to deliver some powerful and dignified speeches at Saratoga, New York and Richmond. He was in great demand, and, if he had accepted all the invitations, would not have had a day or a night to himself. More than fifteen different towns claimed him for their Fourth of July. The universal wish to hear him, the very large reliance on him as a guide, the confidence in his reasoning and opinions have caused

many besides himself to wonder at his inability to be even nominated for the Presidency. But the success of the coonskins and the log cabin shows the cause.

Neither he nor Clay, even supposing their intellectual and rhetorical ability to have been ten times what it was, could come up to the method of those "funny tricks" which alone at that time convinced the masses of a man's fitness for the Presidency. In our own times of Cleveland, Roosevelt and Taft there would have been much more of a chance for Webster and Clay. But in the period of 1830 to 1850, of that most extraordinary phase of the spirit of Democracy, there was practically none.

Webster's Saratoga speech stands out conspicuously in the history of his life and in the history of that time. He had prepared himself, it seems, very carefully for it, and it was to be delivered at a mass meeting near his old home at Salisbury, New Hampshire. But that meeting having been postponed and Webster being at Saratoga arguing a case before the New York Court of Errors, he was urged so strongly to appear at a mass meeting to be held immediately at Saratoga, that he could not very well refuse; so he gave them the well-thought-out Salisbury speech.[8]

It was a partisan speech, and has usually been thought the best speech of that sort he ever made. An immense crowd assembled from all the neighboring region just as immense crowds were assembling all over the country at the slightest suggestion of a political discussion; for the whole Union was deeply stirred, felt itself in a revolution and was seeking light. The great meeting was held on a little eminence in a fine grove of pines; and just before it assembled a heavy thunder storm and deluge of rain threatened to spoil the day. But the storm passed, the people assembled more enthusiastic than ever, and after Webster had been speak-

[8] Dearborn, History of Salisbury, p. 105.

ing a few minutes the platform on which he stood with the chairman, officials and distinguished guests went down with a crash. He was the first to climb up on some fragments of the staging and announce in his powerful voice that no one was hurt and that the great Whig platform was a more solid structure than the one that had sunk beneath their feet. Confidence and good humor were at once restored; a "red pedlar wagon with sloping sides and a top about eight inches wide" was brought for him to stand on, and balancing himself on this he took up his argument again as if nothing had happened.

It was largely an attack upon the sub-treasury plan and its attendant Van Buren principle "that the government has nothing to do with providing a currency for the country." He described humorously how Van Buren, not daring to support a United States Bank and not daring to support any of the pet bank schemes and other disastrous measures of his predecessor Jackson, not daring, in short, to go forward or backward, had escaped into this plan of abandoning all efforts to regulate the currency. We must forgive Webster for his heavy attack on the sub-treasury, because his attack was mainly upon the absurdities that Van Buren wanted to add to it; one of the worst of which was that the debts due the government and debts paid by the government must all be discharged in specie, and banks and bank notes, whether redeemable in specie or not, must all be driven out of existence.

In his attack on this specie delusion Webster was unquestionably right; and it was the most powerful part of his speech.

"Government pays in large sums, to large contractors; and to these it may pay gold and silver. But do the gold and silver reach those whom the contractor employs? On the contrary, the contractors deal as they see fit with those whom they employ or of whom they purchase. The Army and Navy are fed and clothed by contract; the materials for expensive

custom houses, fortifications, for the Cumberland Road, and for other public works, are all supplied by contract. Large contractors flock to Washington, and receive their tons of gold and silver; but do they carry it with them to Maine, Mississippi, Michigan, or wherever their residence and vocation may be? No, not a dollar; but selling it for depreciated paper, the contractor swells his previous profits by this added premium, and pays off those he owes in depreciated bank notes."

He gave a most valuable description of American labor and manufacturing of that day. The great interests, the great industrial plants, combinations of capital, enormous department stores and jobbing houses of our time were unknown. Pretty much all industries and manufacturing were carried on by individuals employing a few workmen. "Nine-tenths of the whole labor of this country," he said, "is performed by those who cultivate the land they or their fathers own, or who, in their workshops, employ some little capital of their own and mix it up with their manual toil. No such thing exists in other countries." It was indeed an ideal system as we look back at it. The laboring classes he described enjoyed good living, comfortable homes and educated their children. But the Jacksonian and Van Buren financial experiments had ruined millions of them, reduced them to poverty, and in the confusion of the currency the rich had had a glorious chance to grow richer while the poor grew poorer. He described the methods by which contractors, ship-owners and capitalists had recently made sudden and enormous fortunes out of the Jacksonian muddle and the misfortunes of the poor. If ever there was a piece of humbuggery on earth it was the pose of old Jackson that he was the special friend of the masses. No one has ever appeared in American politics who has ruined so many of them.

It was in giving instances of all this that he amused and pleased everybody by quoting some very practical and pointed comments of his favorite boatman, Seth Peterson. It no doubt gave him the greatest pleasure to make Seth famous.

"Now, gentlemen, though he will be astonished, or amused, that I should tell the story before such a vast and respectable assemblage as this, I will place this argument of Seth Peterson, sometimes farmer and sometimes fisherman on the coast of Massachusetts, stated to me while pulling an oar with each hand, and with the sleeves of his red shirt rolled up above his elbows, against the reasonings, the theories and the speeches of the administration and all its friends, in or out of Congress, and take the verdict of the country and of the civilized world, whether he has not the best of the argument."

Then he described Peterson and his happy, vigorous life on sea and shore, the unencumbered acres of his little farm which his thrift and labor had won, his comfortable house, and his children all going to school. It was a picture he loved; he loved that sort of man; and he described other types of American prosperity which the Jacksonian experiments were tearing down.

This is one of the speeches that Webster is supposed to have delivered in a fit of drunkenness; that is to say, one of the best speeches of his life was delivered by him when he was so drunk that he could not walk, and yet he held a large mixed audience for nearly three hours with an argument of such intellectual force that it made a most profound impression upon the whole country. Has there ever been such a glorification of drink?

Mr. Charles A. Stetson, who was with him and sat on one end of the narrow top of the pedlar's wagon, while President King, of Columbia College, sat on the other, says that in balancing himself on the narrow top only eight inches wide Webster had no proper support for his toes or his heels and spoke in that position for two hours and forty minutes. He was so exhausted and stiff that he had to be helped down, helped to a carriage, "put his knee to the step and fairly crept into the carriage." Stetson felt sure that a charge of drunkenness would be made; and soon heard from some one in the crowd, "What a fine speech! But wasn't he bloody tight?" [9]

[9] Wilkinson, Daniel Webster, A Vindication, p. 119.

At Patchogue, on Long Island, he delivered a speech which he took no pains to preserve, evidently because it was a stump speech. But it has been dug out from the newspapers of the day and is valuable because it shows his style in that form of oratory. He was telling his hearers not to let the Democrats deceive them with all sorts of cunning words and phrases about Democracy and aristocrats.

"How do you do when you go out into the South Bay to shoot ducks? Don't you bough 'em all round, and manœuvre with the most specious appearances on the outside and in front? But isn't there an old King's arm behind all, and isn't there plenty of good gunpowder and lots of double B shot; and when you get well in among 'em, don't you let 'em have it? Now, then, what I say to you is don't be web-footed!"

But a little farther on he could not restrain his literary taste, and in describing how the Democrats were talking of nothing but sub-treasury, sub-treasury, sub-treasury, he said it reminded him of the old classical tale of Orpheus going to seek Eurydice and shouting the beautiful name until all nature was full of it.

"Eurydice the woods,
Eurydice the floods,
Eurydice the rocks and hollow mountains rang."

And with our government it is—

"Sub-Treasury the woods,
Sub-Treasury the floods,
Sub-Treasury the rocks and hollow mountains ring."

Harrison and Tyler swept the country, receiving 234 out of the 294 electoral votes, and leaving only 60 to the Democratic candidates, Van Buren and Johnson. Harrison made Webster his Secretary of State, and one of the new secretary's first duties was to keep the President from making too much of an exhibition of himself in his inaugural address. He was a great reader of Plutarch and tried to make up for a deficient education by classical allusions in excess even of the excessive

taste of that time. Being asked after the battle of Tippecanoe about the behavior of his men, he said that "every one of them was a Leonidas, an Epaminondas or a Horatius cocles." Webster had a severe struggle with him over his preparation of the inaugural, and returning from the White House late one afternoon Mrs. Seaton, at whose house he was living, remarked that he looked exhausted and worried and asked if anything had happened. "You would think that something had happened," he said, "if you knew what I have done. I have killed seventeen Roman proconsuls."

The overwhelming vote for Harrison undoubtedly meant that the people had had enough of the Jackson and Van Buren Democratic methods of finance; but it did not altogether mean that they wanted a bank as a financial method of the government. Some of those who voted for Harrison and Tyler were still in the bank delusion; but many, even many Whigs, were not. The two candidates represented this divided feeling. Harrison was moderately in favor of a bank. Tyler was opposed to a bank.[10]

General Harrison died about a month after his inauguration in 1841. Having a majority in both Houses of Congress, the Whigs repealed the excellent sub-treasury law and then passed two acts to establish a national bank. Tyler, who succeeded to the Presidency, was a Virginian, and not a Whig. The name Whig had been applied to him only in that perversion of it which was used to describe those who supported the South Carolina nullifiers against Jackson. Tyler was, in fact, a State-rights Democrat who, in accordance with the peculiar method used by the Whigs in those days, had been put on the ticket with Harrison merely to catch southern votes. He had not vetoed the repeal of the sub-treasury law, but he vetoed both the acts creating a United States Bank; and the Whig majority was not strong enough to pass them over his veto. That for-

[10] Webster, Works, National Edition, vol. xvi, p. 345.

tunately was the end of all attempts to restore the bank, and it passed into history.

In 1846 the Democrats restored the sub-treasury plan; and in the Civil War Congress adopted the national banking system, by which banks throughout the country were allowed to issue currency when they had deposited a slightly larger amount of government bonds with the government at Washington. By this means these national banks throughout the country tend to keep the currency stable and of equal value in all places. That had been the most important function of the United States Bank by means of its branches in different States. The United States Bank's other function of acting as a place of deposit for the public money is now well filled by the sub-treasury plan of leaving the money in the hands of the collectors under bond and to be paid out by Treasury orders. The United States Bank's third function of lending money to the government was accomplished on an enormous scale in the Civil War by raising money on bonds directly from the people and from the banks in the national banking system which had to own and deposit at Washington sufficient bonds to secure their issue of currency.

In this way the financial system of the country was finally worked out to success through more than two generations by a process of evolution from the original crudeness of a currency of varying value in different States and of a government that did not know exactly where to deposit or keep the money it had on hand. In the beginning of this process there is no question that the Bank of the United States was of infinite usefulness and that Webster's principles and arguments were originally sound. But he and the Whigs could not see that there were other ways of attaining solvency and stability, and that to allow such a powerful and growing institution as the Bank to fasten itself any longer like a leech on the government would bring ruinous corruption.

When, therefore, President Harrison died and his successor Tyler vetoed the Bank bills, there was a serious break and much ill feeling between Tyler and those of the Whigs, a very large number of them, who still believed that a United States Bank was an absolute necessity. All the cabinet officers resigned except Webster, whom Harrison had made Secretary of State, and who had started on the great negotiation with England over the boundary between Maine and Canada. Webster was no longer fanatical about the Bank. He believed that one of some sort sufficient to keep the currency stable would be a valuable help, and was indeed a necessity; but he would go about obtaining it in a moderate way.[11]

He tried his utmost to prevent the break between Tyler and the Whigs. It would ruin the Whig party, he said, and help neither the bank nor the country. When Tyler vetoed the first bank bill Webster urged the leaders of the party not to press another similar bill and not to attack and abuse their own President. But they would not be restrained. Henry Clay exhausted his power of ridicule and sarcasm in the Senate in denouncing Tyler; Whig newspapers attacked him in editorials and prominent Whigs wrote bitter and abusive letters. They introduced in Congress another bill for creating a "Federal Corporation of the United States" which was a national bank without the power of discounting local notes in the States. This they thought they could force Tyler to accept by denouncing him in Congress and in the press. Their attacks naturally determined him the other way. He vetoed the bill and the breach was complete.

When the cabinet began resigning Webster regarded it as a mere continuation of the plan of the party to harass their own President, and he refused to imitate them. He believed in the necessity of a national bank,

[11] Works, National Edition, vol. xvi, pp. 344–352, 358.

but he also believed that in spite of its loss the President would unite with Congress in overcoming the difficulties of the situation by other means; "and it is to the union of the Whig party—by which I mean the whole party, the Whig President, the Whig Congress and the Whig people—that I look for a realization of our wishes." Moreover he would not in any event resign suddenly without notice, as the others had done, and throw into disorder the unusually delicate relations of the country. Although the Massachusetts members of the Congress approved of his stand, he was nevertheless severely criticized for it by other members of his party. The Whigs were, in fact, again disorganized and demoralized, and Webster was fortunate in strength of reputation and character sufficient to support him in that independent position which enabled him to stay in the cabinet. From his cabinet position he negotiated the Treaty of Washington, or Ashburton Treaty, one of the most conspicuous services of his life.

XV

THE NORTHEAST BOUNDARY DISPUTE

The negotiations with England about the boundary between Maine and Canada had been begun by Webster before the death of General Harrison. Besides the boundary dispute there were several other serious topics, the destruction of the steamboat *Caroline,* the trial of McLeod for murder and the rescue of slaves from the brig *Creole.*

The *Caroline* was an American vessel which had been used to carry supplies across the Niagara River to the Canadian insurgents, who in 1837 had begun the famous rebellion in Canada which resulted in the modern self-governing system of some of the British colonies. A party of Canadian loyalists went to seize her at Navy Island, which was in British territory, but seeing her lying under the American shore opposite they crossed over, set her on fire and adrift, and she was carried over Niagara Falls. In the struggle to seize her an American citizen named Durfree was killed. The British government explained this hostile invasion of our territory as an excusable and necessary measure of self-defence in suppressing the rebellion among her Canadian subjects. But while our people were still doubtful whether this explanation was satisfactory, a man named Alexander McLeod appeared in the State of New York and boasted that he had been with the invading party and had killed Durfree. He was arrested and tried for murder under the law of New York.

This gave the English a grievance. Their government, they said, having explained their seizure of the *Caroline* to be a public act and necessary measure in suppression of the rebellion, any killing that took place in the seizure was an act of war and not murder. But

the New York authorities pressed the murder trial, popular feeling in both countries was deeply stirred, and there was no little risk of hostilities between the two great divisions of the Anglo-Saxon race. In fact, England was preparing for war; her Mediterranean fleet was assembling at Gibraltar; a home fleet of steamer frigates was ready for a descent upon the coast of the United States, and her minister at Washington was believed to have instructions to demand his passports if McLeod were executed.

The situation was made worse in the winter of 1841–42 by the brig *Creole,* a vessel engaged in carrying a cargo of merchandise and slaves from Richmond to New Orleans. The slaves rose upon the master and crew and took the vessel into the port of Nassau in the British West Indies, where the authorities set the slaves at liberty. England had some years before abolished slavery in all her colonies and was vigorously suppressing the slave trade on the coast of Africa; so that this rescue of American slaves at Nassau was very exasperating to the whole southern interest in the United States and seemed to foreshadow, like so many other events, more and more interference with slavery.

When Webster became Secretary of State in March, 1841, the two governments had already agreed to settle the Maine boundary by a commission to meet in Washington. But this might all be broken up by the McLeod affair. Webster had been in office only a few days when the British minister formally demanded McLeod's release. Webster thereupon instructed the Attorney-General to go to Lockport, where McLeod was being tried, and furnish the prisoner's counsel with the official evidence that the attack upon the *Caroline* was a public act and political one, and the prisoner not in any way responsible before the ordinary State tribunals. At the same time he explained to the British minister, and through him to the British government, that the Federal government at Washington had no power to take a pris-

oner from the authorities of a State or to prevent his being tried. The Federal government was doing its utmost to secure his acquittal in the State court by showing that his killing of Durfree was the act of a soldier and not of a citizen; and that was all they could do.

This was all very sound from our point of view. But suppose the court and jury in New York, acting under the influence of popular excitement, should convict McLeod of murder. In other words, a single State court in a community bordering upon Canada, largely in sympathy with the Canadian rebellion, and intensely aroused against England, had it in its power to commit the Federal government and the whole country to war. There is now a statute for the removal of such cases into the courts of the United States. But that necessity had not been foreseen in Webster's time and he was in great anxiety as to what might happen in New York. The anxiety was by no means imaginary; for the prisoner's counsel, hoping to secure a more dispassionate hearing, took a writ of habeas corpus to the Supreme Court of New York asking it to discharge their client on the ground suggested by Webster, and that court, though supposed to be far above popular clamor, refused to discharge the prisoner and remanded him to trial.

Meantime Webster was dealing with the British government on the question of the seizure of the *Caroline*, explaining that it was entirely distinct from what the New York courts might do with McLeod, that it was a violation of the sanctity of our territory, a violation of the laws of nations, and besides the avowal of it as a public act to save McLeod, there must be on the part of Great Britain more decided expressions of regret and excuse. He deprecated hostile feelings and hostilities and urged the importance of "such a spirit of candor, justice and mutual respect as shall give assurance of the long continuance of peace between the two countries."

With this great question in abeyance; the trial of McLeod postponed until October; the press of the disorganized Whig party pretty generally condemning Webster for remaining in office with what they called a renegade President; innumerable letters from Whigs of a different mind pouring in upon him and applauding his remaining in office as an act of high patriotism essential to the safety of the country; the Democrats in Congress denouncing him for having attempted to interfere with the administration of justice in the sovereign State of New York, and for having compromised the honor and dignity of the nation by what they called his blundering and weak-kneed communications with the government of Great Britain; all this with Congress in session during the whole hot summer made it a trying season for Webster. No longer young, with eyes and head inflamed by his annual attack of what is now called hay fever, and long ago weary of the "din of politics," he would have been only too glad to break away; and no doubt he often contemplated with secret pleasure almost any possibility that would relieve him. "You may hear of me soon, for aught I know, at Marshfield, with my friend Peterson," he wrote to Edward Everett in announcing Everett's appointment as minister to England. "It will be no bad result of things," he again writes, "that shall send me to Boston and Marshfield again. Oh Marshfield! and the sea, the sea!"

Not till October did relief come. McLeod proved an *alibi* and was acquitted. This *alibi* saved a war; for judging from the Supreme Court decision the defence of his having acted as a public soldier of Canada might not have been accepted by the New York trial judges or by the jury. Webster sent to the next session of Congress a bill, which was finally passed, for removing from State to Federal courts all cases involving questions with foreign governments.

We find Webster at this time complaining of lack of money. Being cut off from the practice of his pro-

fession, the salary of Secretary of State was obviously not sufficient for his land buying, experimental farming, and pleasures at Marshfield, his new farming venture in Illinois and the support of his family at Washington, with incidental entertainment there and at Marshfield. But the important thing now is his negotiation with England about the northeast boundary between Maine and Canada leading up to what has become known as the Washington or Ashburton Treaty of 1842.

This boundary question had defied the skill of diplomatists for fifty years; but for the last ten years one of the difficulties in settling it had been that in all that time, except a few months, Lord Palmerston had been the foreign secretary of the British government. It was a Whig administration, the famous Whig administration that had begun the reform bill, the free trade movement, and self-government in the colonies, and yet Palmerston as foreign secretary had some very decided Tory traits. He had been originally a Tory and he never became a complete Whig. He carried on a foreign policy of such aggressiveness that there may be said to have been a touch of jingoism in it. He was a very difficult man for Americans to deal with without going to war. American politicians he regarded as entirely too aggressive, which, being translated, meant that America was standing out for her full rights instead of yielding what he wanted and contributing to the brilliancy of his reputation as France, Turkey and Egypt had done.

With such a man as this at the head of British diplomacy and McLeod likely to be convicted, Webster's chances of a peaceful negotiation had been very slight in that summer of 1841. When it became known in England that the Supreme Court of New York had refused to discharge McLeod on *habeas corpus* and rejected the defence that he was a public soldier, a serious crisis was approaching. But fortunately for everybody, about the time that McLeod was acquitted,

the famous Whig ministry was defeated, and Palmerston passed out of power. The ground was now cleared of one very serious obstacle, and Webster had one of the great opportunities of his life.

The acquittal of McLeod alone might not have been enough. Webster intended to settle the boundary, the impressment of sailors, the right of search, the *Caroline* affair, and the *Creole* affair by mutual yielding. But concession of this sort was the very thing which Palmerston detested. His last acts and words in retiring from office seemed to render any settlement without war extremely difficult if not impossible; and he afterwards as leader of the opposition in Parliament attacked the treaty made by Webster as ruinous to the interest, the tranquillity and the honor of England.

But under his successor in office, Lord Aberdeen, the situation was very much more favorable, although the administration was Tory, under the leadership of Sir Robert Peel, the founder of the modern Conservative party. Lord Ashburton, whose wife was an American, the daughter of a United States Senator, Mr. William Bingham, of Philadelphia, was sent as a commissioner to Washington to negotiate a settlement of all difficulties. Edward Everett, an intimate and trusted friend of Webster, was our minister at London. Both Webster and Everett by their scholarship, their eloquence, their literary ability, and their world-wide reputation, commanded no little respect and admiration in England. Webster's recent visit to England had made him personally known to prominent statesmen. Incidentally he may have sounded some of them on the subjects in dispute; learned their point of view and opinions, and very likely inspired them with confidence in his desire for a peaceful settlement.

Under these favorable circumstances, therefore, the winter of 1841–42 was spent in getting ready for the negotiation. The next great obstacle to be got rid of was the public feeling on the question in the State of

Maine. The boundary between Maine and Canada had been described with perfect clearness in the Treaty of 1783. But it carried Maine so close to the St. Lawrence River that England, in spite of her assent to the treaty, would never accept that boundary, and with characteristic zeal for new territory claimed a line much farther south. Maine claimed the fulfilment of the exact and plain words of the treaty; and during the last fifty years the controversy had always been conducted on that basis, each side trying to convince the other of its full claim. Webster had made up his mind that the dispute could never be settled in that way; feeling had been too much aroused; neither side would yield its whole claim. The only possible method was to compromise—each side yield a little; exchange equivalents, as the phrase was—and agree on a conventional line different from that of the treaty. But Maine had been struggling with the subject so long, had had troops on her frontier, almost a border warfare, and was so convinced of the perfect clearness of the words of the treaty that the suggestion of yielding any of her territory roused the indignation of her whole people. No newspapers of either political party had ever dared take up such a suggestion; but Webster found a way of getting at it.

"The grand stroke was to get the previous consent of Maine and Massachusetts. Nobody else had attempted this; it had occurred to nobody else; it was a movement of great delicacy, and of very doubtful result. But it was made, with how much skill and judgment in the manner, you must judge; and it succeeded, and to this success the fortunate result of the whole negotiation is to be attributed." (Works, National Edition, vol. xvi, p. 397.)

The grand stroke, it was afterwards charged, was the corruption of the party press in Maine with the Secret Service money of the national government. The consent of Massachusetts was necessary because, when in 1820 she had set off the district of Maine as a separate

State, the controversy was going on about the disputed territory, the boundary had never been marked and Massachusetts still retained a certain interest in the land in dispute. But the excited people of Maine were the difficult ones for Webster to deal with, and it seems he won them over by employing and paying out of the Secret Service fund in the hands of the President a certain person who caused the necessary articles to be prepared and printed in an independent religious journal of wide circulation among all parties in the State.[1]

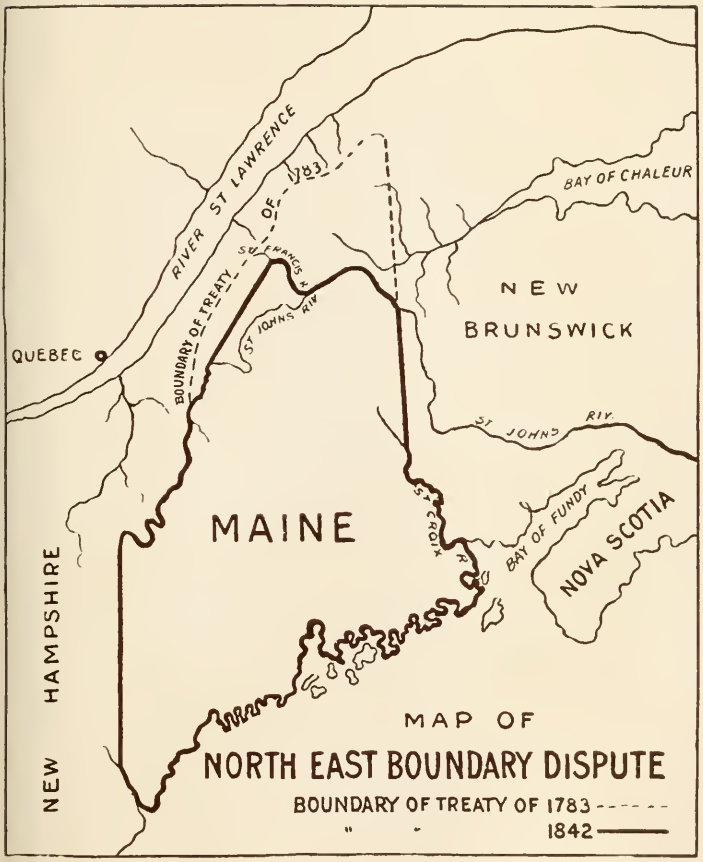
Maine and Massachusetts, having been thus won over, appointed commissioners to represent their interests in the dispute and act with Webster at Washington. These commissioners, being still somewhat inclined to adhere to the original line of the Treaty of 1783 and concede as little as possible, gave more or less trouble. But they were necessary parties and had to be managed.

In the summer of 1842 Lord Ashburton arrived; and it was really an act of cruelty to have set all these distinguished men to work for nearly a whole summer in the torrid heat of Washington to settle one of the momentous treaties of history. We have now learned better how to live; and the whole negotiation would, in our time, be transferred to the seashore of New England. The Maine and Massachusetts men seem to have refrained from telling their sufferings. But Lord Ashburton, an elderly man, and totally unaccustomed to such a summer climate, declared himself on the point of throwing up his commission.

My Dear Mr. Webster: July 1, 1842.

I must throw myself on your compassion to contrive somehow or other to get me released. I contrive to crawl about in these heats by day and pass my nights in a sleepless fever. In short, I shall positively not outlive this affair, if it is to be much longer prolonged. I had hoped that these gentlemen from the northeast would be equally averse to this roasting. Could not you press them to come to the point, and say whether we

[1] Curtis, Life of Webster, vol. ii, p. 284.


RIVER ST LAWRENCE
BOUNDARY OF TREATY OF 1783
ST FRANCIS R
ST JOHNS RIV
BAY OF CHALEUR
NEW BRUNSWICK
QUEBEC
ST JOHNS RIV
MAINE
ST CROIX R
BAY OF FUNDY
NOVA SCOTIA
NEW HAMPSHIRE
MAP OF
NORTH EAST BOUNDARY DISPUTE
BOUNDARY OF TREATY OF 1783 - - - - - -
" " 1842 ——

can or cannot agree? I do not see why I should be kept waiting while Maine and Massachusetts settle their accounts with the General Government.

I am rather apprehensive that there is an inclination *somewhere* to keep this negotiation in suspense on grounds unconnected with the mere difficulties of the case itself. Pray, save me from these profound politicians, for my nerves will not stand so much cunning wisdom. (Works, National Edition, vol. xvi, p. 315.)

This is a good sample of many notes that were exchanged. In this intimate way Webster conducted the negotiation on the plan he had adopted of changing totally the method of procedure.

The treaty had described the eastern boundary of Maine as beginning at the source of the St. Croix River and extending north to the ridge or watershed which divides "those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean," thence southwestwardly along that watershed "to the northwesternmost head of Connecticut River," in the northeastern corner of New Hampshire.

When we look at a map of the country this boundary seems plain enough, and apparently should have occasioned no difficulty. It is true that in the extreme northern portion the watershed would make a somewhat crooked wandering line; a troublesome one to trace on the ground no doubt; but by no means impossible. It had been explored and could readily be marked. The real difficulty seems to have been that the streams flowing into the St. Lawrence at that point being very short brought the American line close to that river, leaving Canada only a very narrow strip along it; so narrow, indeed, that at many places it was only about twenty miles wide.

In other words, America, from both a strategical and practical point of view, seemed to the British to occupy a controlling position on a long strip of the St. Lawrence below Quebec; would, in fact, it was thought, command the main entrance to the British possessions,

and almost cut off Nova Scotia and New Brunswick from the rest of Canada. The direct line of travel from New Brunswick to Quebec was cut off and Canadian travellers would have to pass through Maine or go roundabout.

Accordingly, we find Great Britain insisting that the treaty intended something different from its words; that the true line was much farther south; and in order to make as large a claim as possible she asserted that the northern boundary really meant by the treaty must be the St. John's River, which it will be observed flows across Maine considerably south of the watershed in a great curve, with the convex portion of the curve to the northward. This, it was said, was a natural boundary that would require no trouble to mark. But the important part in British eyes was that it withdrew the American boundary some fifty miles from that watershed that seemed dangerously near the St. Lawrence below Quebec.

The old Treaty of 1783 closing the Revolutionary War had been quite generally regarded in England as entirely too liberal. The statesmen who made it had been violently attacked for surrendering everything to the Americans. In accordance with the imperialistic policy of absorbing and keeping everything, even the smallest trifles, England had prolonged some of the controversies of the Revolution and left them unsettled for many years. For some years she would not abandon the posts and forts that belonged to us along the Great Lakes. She continued the right of searching our ships as an imperial privilege until we had to fight the War of 1812 to get rid of it. In the negotiations for the treaty which closed that war, she had at first insisted on controlling the whole south shore of the St. Lawrence and Niagara Rivers, as a military protection to Canada. Even after the treaty she still claimed the right of search, or right of visit, as it was now politely called, to obtain her own subjects when she was engaged in war

with any other nation; and it was one of the questions Webster had to settle. The treaty had, in fact, not settled this question at all. It had merely stopped hostilities and left the question to settle itself.

Her claim that the St. John's River was the northern boundary of Maine she had adhered to stiffly for fifty years. It was a claim so obviously in violation of the words of the treaty that it caused great irritation in America, especially in Maine, where bloodshed on the frontier was with difficulty prevented and every year it was feared that there would be some violent outbreak or conflict with the Canadians which would force both nations into a war. Webster abandoned all the maps, memoranda, arguments and material that had accumulated on both sides as irrelevant for present purposes and pressed for an agreement that would fix upon some conventional line that would give neither side all it wanted, and yet give both enough to satisfy feeling and honor.

Great Britain's claim might possibly be looked upon as a petition to be relieved from the strict words of a treaty which she had improvidently signed under trying circumstances more than half a century before and which brought America dangerously close to the entrance of Canada. Our object was permanent peace with the English race; we had ample territory for our own protection; it was not necessary that we should be always straining for the last scrap; it was not necessary that we should occupy a menacing position on the St. Lawrence; we could afford to withdraw a little from the watershed line if that would wipe out all uneasiness and cement permanent good feeling. We would still remain near enough for military purposes.

These considerations were, of course, never put in such a blunt way in the negotiations. Argument was avoided as much as possible; everything was suggestion and pleasantry; and under the fierce rays of the dog star during that hot summer in Washington, Webster

kept leading the commissioners and his lordship back and forth among equivalents, as he called the suggested exchanges of patches of territory and supposed advantages.

It was finally settled by taking the St. John's as a boundary part of the way. The eastern boundary starting from the source of the St. Croix River and going north stopped when it reached the curve of the St. John's, and followed up that river instead of going straight on to the watershed as in the old Treaty of 1783. But the St. John's was followed only about halfway round the curve to the mouth of the St. Francis River; thence the line went northwestwardly along the St. Francis to Lake Pohemgamock. This was the most northerly point, and from there the boundary went southwesterly until it reached the watershed, which it followed to the source of the Connecticut, in the northeastern corner of New Hampshire.

This was giving Great Britain less than she claimed of the disputed territory; but it was giving her somewhat more than was given to Maine. To make up for this Great Britain gave Maine the privilege of sending lumber and other products down the St. John's River free of toll through the British possessions, and the United States paid Maine and Massachusetts $300,000 for the territory they gave up, which was believed to be more than it was worth at that time.

This having been accomplished and the troublesome State commissioners disposed of, Webster and Lord Ashburton had very little difficulty in settling the rest of the boundary. There was a strip of land lying north of New Hampshire, Vermont and New York which had always been supposed to belong to those States; but when the more exact location of the forty-fifth parallel of latitude, named in the old Treaty of 1783, was established, this strip was found to be in British territory. It was surrendered, however, to those States as one of the equivalents for concessions made by Maine;

but as this surrender inured to the benefit of the three States and the United States and not to Maine and Massachusetts, the money consideration of $300,000 had to be paid to the two latter. The rest of the boundary on Canada, passing westward to the St. Lawrence and through the Great Lakes Huron and Superior, gave no difficulty.

The obtaining of the strip lying north of New Hampshire, Vermont and New York was very important because it gave us Rouse's Point at the northern end of Lake Champlain, where the narrowness of the water passage gave a fort placed on the point complete control of navigation to and from Canada. That was the place of real military importance. If it were in control of England she could send an army as far as Albany in four days. If we controlled it we could prevent such a rapid invasion. The supposed dangers to England of the watershed on the Maine boundary were largely imaginary. The country there was very mountainous and unsuited to the movements of armies. There were two lines of march for an attack upon Canada—one by Rouse's Point, the other up the Kennebec through Maine, and thence by the Chaudiere to Quebec, the old route that General Arnold took in the Revolution. This last was unchanged by Webster's treaty, and as his treaty gave us Rouse's Point, it gave us about all the military advantage there was in the situation.

As a military defence to the State of New York there was no situation equal in importance to Rouse's Point except the Narrows, at the entrance to the harbor of New York City. Webster's obtaining of the free navigation of the St. John's River through New Brunswick became in a few years of even more value than was at first supposed, because it was used not only for lumber but for the transportation to tidewater of valuable agricultural products as the fertile valleys of northern Maine were gradually settled by farmers.[2]

[2] Works, National Edition, vol. xvi, pp. 397, 402.

So all the anxiety of fifty years, all the apprehension of war was settled, and to most historians it has seemed that America and England have been better friends ever since. It was a noble piece of work, they say. Webster had drawn both the thunder and lightning out of the gathering clouds. But "any sensible and honest man," Abolitionist Theodore Parker informs us, "could have done the work;" and Parker insisted that it was a bad bargain, that Webster even then in the interest of the slave power had basely surrendered territory to avoid a war in which the southern slaves would have gained their liberty.

"If England had claimed clear down to the Connecticut, I think the southern masters of the North would have given up Bunker Hill and Plymouth Rock, rather than risk to the chances of a British war the twelve hundred million dollars invested in slaves. Men who live in straw houses think twice before they scatter fire-brands abroad. England knew well with whom she had to deal." (Sermon on Death of Webster, p. 48.)

In regard to the seizure of the *Caroline* in the Niagara River, Webster, in several letters to Lord Ashburton, laid down the principles of international law, which make national territory inviolable and forbid invasion by an armed force from a neighboring nation. To these principles, being general propositions, Lord Ashburton assented in writing. This was something gained for the future; but it did not settle the *Caroline* case, or constitute an apology for that invasion; and it was a long time before Webster could persuade his lordship to close the correspondence with the following sentence: "Looking back to what passed, at this distance of time, what is, perhaps, most to be regretted is, that some explanation or apology for this occurrence was not immediately made."

It took Webster two days to persuade his lordship to use the word apology in addition to explanation. But that being done the whole sentence could be diplo-

matically construed as an apology and the *Caroline* incident was closed forever.

Great Britain had claimed the right to search our vessels on the coast of Africa, even in time of peace, in order to see if they really carried American papers and were rightfully flying the American flag, because that flag and the flags of other nations were fraudulently used to cover the slave trade which Great Britain was trying to suppress. We had for many years protested against this search as unlawful, and England had as stiffly demanded that we should yield it to her benevolent endeavors in the suppression of the slave trade. She searched the vessels of other nations in the same way on the African coast; and she was gradually regarding as an international privilege this right of search, or right of visit, as she now called it, which we had fought the War of 1812 to abolish. The other nations in seeking to settle the matter had obligingly walked straight into the trap England was preparing for them. France, Russia, Austria and Prussia had tentatively agreed with England to a quintuple convention, as it was called, allowing the exercise of a mutual right of search. This convention was not yet accepted as a binding treaty by the respective governments, but there was every probability that it would be, and the London *Times* was beginning to boast that the right of search would now be established as a rule of international law.

It was, however, all knocked in the head by Webster and Ashburton, who in a clause of their treaty provided that both the United States and England should keep a squadron on the coast of Africa to enforce each its own laws against the slave trade by mutual co-operation. Each would attend to the instances of the misuse of its own flag. This obviously sensible and natural arrangement cut the ground from under England's last excuse for restoring her claim of an imperial right of search. The French government rejected the quintuple convention; and the right of search died from want of nutrition.

The *Creole* affair, in which the slaves seized the brig and took it into a British port, was practically impossible of solution. The southerners wanted it turned into a precedent which would give the owners of slaves an international right to demand the extradition of their human property. But this was out of the question. England was on her guard against it and would assent to nothing which by any possibility could be construed into a recognition on her part of the relation of master and slave. Webster, however, secured the insertion in the treaty of a clause providing for the mutual extradition of persons accused of certain enumerated crimes. This was the beginning of the modern system of extradition treaties with various nations.

So far as the *Creole* affair was concerned, Webster contended that when an American vessel with slaves on board was driven by stress of weather or other circumstances into a British port, there should be no active interference by the local authorities with the condition of persons or things on board as established by the law of the vessel's country, so long as those persons and things remained on board of the vessel. To this Lord Ashburton said that he had no authority to assent; but he gave assurance that under such circumstances there should be no "officious interference," no "further inquisition than might be indispensable to enforce the observance of the municipal law, and the proper regulation of the harbors and waters." This was as near a settlement as they could come.

On the question of impressment, as it had come to be called, the claim of Great Britain to take persons she considered her own subjects out of our ships in time of war and visit and search our ships for that purpose, that was a privilege, a token of the dominion of the seas, insignia of imperialism very dear to the British heart. It was supposed to involve the great imperial principle that once a subject always a subject; an Englishman could not expatriate himself, could not voluntarily join another nationality. The American doctrine that all

men had the right of expatriation had always been abhorrent to the English ruling class. Lord Ashburton, if he had assented to the American principle and flatly abandoned the English idea, would have been committing political and social suicide. At the same time he saw that the British claim was becoming untenable. Events, especially the event of the growth of American power, were becoming too strong for it. So after much circumlocution of words, stating all the difficulties on both sides, he closed with the sentence, "I have much reason to hope that a satisfactory arrangement with respect to it may be made, so as to set at rest all apprehension and anxiety; and I will only further repeat the assurance of the sincere disposition of my government favorably to consider all matters having for their object the promoting and maintaining undisturbed kind and friendly feelings with the United States." That was all; but it was enough; and the right of search silently disappeared from international controversies.

So the troublesome questions were all disposed of. It was a great piece of work, and after the replies to Hayne and Calhoun perhaps the best service of Webster's life. All he had done was open to criticism, if one were determined to be a critic; and there were not a few among the Democrats in Congress. Nothing he had done was positive enough; everything would lead to future entanglements. In the boundary question he had given up to Great Britain vast territories which were ours by the plain words of the treaty Great Britain had signed at the close of the Revolution.

Benton attacked the whole work as solemn and mysterious humbuggery, mere bargain and sale, and an ignominious and dishonorable surrender of the highest interests of the country. A "shame and injury" and "a solemn bamboozlement" were some of the picturesque expressions of the redoubtable Missourian. Buchanan also denounced it as a complete abandonment of the interests of the South and a complete surrender to England. It was, in fact, easy to raise a debate

and discussion on all the questions; and the treaty was equally abused and praised in England. But both the United States Senate and the British government accepted it and time has in the end been the strongest advocate for Webster. Most of the questions had been in controversy, and dangerous controversy on the eve of bloodshed, for half a century without any prospect of settlement. No administration, no Secretary of State, no Minister to England, had in all those years sufficient intellect to do anything more than make the tangle worse and bring it nearer to war. Webster settled them in one summer's negotiation, and whether settled right or wrong, they have remained settled and have never since disturbed us.

Yet to do this, to perform this great service, he had to remain in President Tyler's cabinet and alienate himself from a large part of the Whig party. The denunciation of him for remaining with Tyler, the calumnies and tales that were started by the Whig press and by Whig leaders are almost beyond belief; and probably could not now happen; we have probably passed beyond that phase of our development in self-government. But for Webster it was part of the alienation of New England from him, an alienation which went on increasing and can still be found with a large part of its original vigor in Massachusetts.

But on the 20th of August, the day the Senate passed the treaty, Webster's mind was with his heart, and that was far away. He was thinking of the best way to harvest the salt hay at Marshfield and of the grand sport he might soon have in building a new barn. "I am not at all certain," he writes his man on that day, "but what you and I shall make a barn the last two weeks in September and the first two in October. What do you think? Shall we have a better time?"

The relief came at last in September. "I had a glorious month of leisure," he says, "on the seacoast, where Seth Peterson and I settled many a knotty point." And Lord Ashburton came there and paid him a visit.

XVI

RETIRES FROM THE CABINET—LIFE AT MARSHFIELD—GIRARD WILL—RELIGION—THE PRESIDENCY—INGERSOLL CHARGES—PENSION AND DEBTS

The Washington Treaty and its dependent problems being now disposed of, the Whigs became more insistent than ever that Webster should resign from President Tyler's cabinet. There was now, they said, no excuse whatsoever for his remaining. The Massachusetts Whigs held a convention in September of the treaty year, 1842, and declared a final separation of the party from President Tyler, and at the same time put forward the name of Henry Clay as candidate for the Presidency. This was very much like reading Webster out of the party in his own State; it was intended, he said, to destroy his political standing and character; and a few weeks afterwards he arranged for a great meeting in Faneuil Hall where he could speak his mind.

Public opinion was so strongly against him that his friends were uneasy about the result and feared he would be assailed with hisses and disrespect. But as usual he captured and captivated his audience. He came up from Marshfield sunburned, superbly dressed and full of the vigor of the sea. He explained his position, his relations to the great problems of the country in a broad-minded speech of great dignity, addressed to a very intellectual, but, at the time, narrow-minded audience. He would not promise to resign. He would give no pledges, he would make no intimations one way or the other. He would remain free to act as duty called, "I am, gentleman, a little hard to coax, but as to being driven, that is out of the question." [1]

[1] Works, National Edition, vol. xvi, p. 415.

He was loudly applauded. His hearers could not but admire and sympathize with such a man while he was before them. The speech made a great stir in the country; raised a great dust, as he put it; and won for him the approval of conservatives. But the mass of the party retained their narrow view as to what he should do; and there is no doubt that Webster received a very serious political injury at this time so far as concerned any chances he may have had for a future nomination for the Presidency. His party in his own State had repudiated him and had gone over to Henry Clay. He foresaw this and was independent and indifferent as usual.

"The Whigs denounce me, of course," he wrote to his son, "but I cannot help it. I was determined to do the President justice and myself justice; and as for the rest I must be willing, as I am, to abide consequences.

"The sober men, men of business, men of independence, and of candor, all like it, this way. Mr. Clay's friends and the scheming partisans are very angry." (Works, National Edition, vol. xvi, p. 384.)

It was these sober men, these business men, the merchants, bankers, capitalists and conservatives, that were his real constituency. It was not in his nature to go beyond them as Jackson did. To them all his great intellectual speeches on banking, finance, tariff and the Constitution were addressed. About the only time he ever went beyond them was when he aroused union sentiment as in the reply to Hayne. Then he spoke to the nation.

Looking back from the broader point of view of the country's best interests, his independence, or obstinacy, was of great advantage. It was very important that a man of his talents and conservatism should be in the administrative part of the government. This had been proved in the Washington treaty; and there were other important diplomatic and international questions before the government, like the Oregon boundary and the first mission to China, to mention no others. Webster had

the natural pride of a man in wishing to finish his work. He was introducing for the handling of these problems new methods which would be of infinite value as precedents and guides for the future. For many years very inferior third rate men had been in the executive offices, as was shown by the long years of failure to settle the disputes with England. The quality of our executive work and accomplishment had not kept pace with the methods of other countries.

And what was the cause of all the trouble? Why did the Whigs so detest Tyler? Why did they think that Webster's presence in his cabinet for any reason was such pollution to Webster that he was no longer fit to be a Whig? It was simply and solely the everlasting old stupidity of establishing a national bank. Tyler, two or three years before, had vetoed their two bank bills. Nothing but the grave ever cured a good old time Whig of the bank stupidity. The highest intellects of New England, literary characters of Boston, thrifty citizens, keen traders, were all afflicted with the notion that there could be only one American financial method and that must be a national bank. This affliction narrowed and warped their minds until they could see nothing else.

Webster himself still held to the delusion, but had become more moderate about it. He had long been convinced that a national bank of the old type was out of the question and could not by any possibility be established. He favored Tyler's Exchequer plan which, while not exactly a bank, was a method of issuing currency which would be of equal value throughout the Union. But the Whigs, though clamoring for a bank, would not accept anybody's plan for one, and in that session of Congress of 1842–43 would not form one of their own. They would not accept the Exchequer plan and would not push their own plan, and yet were denouncing Webster and Tyler as the enemies of their plan. They were demoralized again.

Webster foretold their speedy downfall; and he was right in not sacrificing his high reputation to their narrow views. He took infinite comfort in the support of his old constituency, the conservatives of the country. In declining an invitation to a public dinner in New York signed by a host of the solid men of that town he commented on those signatures as of the highest value to him. "They teach me that no considerations should be allowed to draw us aside from the course of public duty, and that upright intention, impartiality, independent purpose and fidelity to our common country will find their reward."

In May, 1843, he found that there was no more important work for him to do as Secretary of State, and that President Tyler, abandoned by the Whigs, was very naturally seeking support for his administration from the Democrats. Webster had no desire to connect himself with the Democratic party and he accordingly resigned the office of Secretary of State and retired to private life and Marshfield.

He was again overwhelmed with debt. In 1836, when he had tried to resign from public life and devote himself to his profession and money-making, he had been prevented by friends who persuaded him to withdraw his resignation and who helped him to settle his difficulties so that he owed no money to anyone. As he was not to return to his profession he laid out all the money he had or could get in western lands, expecting, it seems, a great rise in value. But in company with many others he was deeply disappointed.

His expenses were enormous. He was obliged to live well in Washington. He kept up two experimental and luxurious farms—Marshfield and The Elms—at both of which, especially Marshfield, he entertained lavishly. His official salary and incidental law practice in the Supreme Court went but a small way towards meeting this outlay.

He had given up his handsome old-fashioned house on Summer Street in Boston. "Marshfield and the sea, the sea" was his only home. "To hear from Marshfield," he writes in 1845, "is almost the only pleasure I expect to enjoy at Washington." Into the house at Marshfield he emptied the contents, the furniture, the pictures, the curios, and the books of his Boston and Washington homes. His library was supposed to be worth $40,000, not including his law books, some four or five thousand, which were in his office in Boston, which he always retained and left in charge of a partner. He was an ardent collector of books on natural history and had these with his works on agriculture in his office in the garden.[2] New rooms and wings had been added to the Marshfield house, among them a new and large kitchen where Monica could reign supreme. New tracts were added to the land, which now amounted to 1800 acres. With his wife and children, his herds of superb cattle, his boatman Peterson, and his favorite farming hands gathered round him, and hosts of friends to fill the house and overflow into lodgings in the neighborhood, these last ten years of his life became the greatest days at Marshfield.

He continued to breed fine specimens of oxen, the animals he liked best of all. He seemed to glory in their magnificent patient strength; and the power of the great beasts taking the large plough through the land delighted his imagination. He would sometimes yoke them himself and hold the plough with the strength and skill of a veteran farmer. It was one of his favorite amusements.

He rose at three or four o'clock in the morning in summer, went about feeding and petting his animals, attended to his letters and business papers before breakfast; and after this, which for most people would be a

[2] Works, National Edition, vol. xvi. p. 429; Lanman, Private Life of Webster, pp. 75, 87.

day's labor, he would devote the remainder of the time to entertaining visitors, or excursions on land or water.[3]

Even in winter at Marshfield he rose at four; and we have a letter written by him to Mr. Blatchford on the 7th of December, 1847, at five in the morning, describing with boyish enthusiasm the brilliancy of the stars, the deep booming of the ocean, and the pleasure he expected in an hour from the sunrise.

In Washington people who called on him at 10 o'clock in the morning were often surprised to find him apparently unoccupied and ready to converse with them; and this, no doubt, added to his deliberate manner, absence of nervousness, and never bragging about work, started the charge that he was an indolent if not a lazy man. The truth was that at 10 o'clock in the morning Webster had been working for four or five hours. He had finished his correspondence and most pressing business of the day, "had broken the neck of the day's work," as Sir Walter Scott, another early riser, used to say, and was quite ready to talk on other subjects before he went into court or Senate or took up the pursuits of the afternoon. As a matter of fact, he was a most prodigious worker; he could not otherwise have accomplished what he did. His investigations and studies outside of his legal and public duties were enormous; and he probably did more hard work and was more capable of undergoing it down into old age than any other public, professional or business man of the country.[4]

Learning, what for some strange reason every human being has to learn for himself by experience, the danger to health of long sitting at a desk, he dictated a large part of his correspondence and important papers while walking up and down the room; and there is a letter of his recommending this method to Henry Clay, whose health was suffering from sedentary pursuits.

[3] Works, National Edition, vol. xvi, p. 429; Lanman, Private Life of Webster, pp. 75, 87.

[4] Lyman's Memorials, vol. ii, p. 95.

"The amount of business," says his private secretary, "that he sometimes transacted during a single morning may be guessed at when it is mentioned that he not infrequently kept two persons employed writing at his dictation at the same time; for as he usually walked the floor on such occasions, he would give his chief clerk a sentence in one room to be incorporated in a diplomatic paper, and, marching to the room occupied by his private secretary, give him the skeleton, or perhaps the very language, of a private note or letter." (Lanman, Private Life of Webster, p. 84.)

He was all his life an omnivorous reader, reading everything, old and new, and continually buying books in a way that reminded every one of what they had heard about Napoleon. Lanman speaks of buying for him fifty books to take on one of his autumn trips to the Elms Farm. He would absorb all that was valuable in a book with great rapidity. He usually began by reading the index, next the table of contents and chapter headings, and then would run rapidly through the text, taking in the substance of many of the pages by a rapid glance as Macaulay used to do. A book that could compel him to go slow was a good one. Probably his reading of the index and chapter headings enabled his quick mind to forestall a great deal that the author would say and he examined the text merely to pick out what was different from what he had expected.

Very few in any generation have the strength to endure those early morning mental labors which he added to the usual human day's work. His power to resist extreme fatigue and react from it by a slight rest was unusual. He never seems to have needed more than six hours' sleep, and this physical capacity, kept up until he was nearly seventy years old, reminds us again in a very striking way of his great contemporary Napoleon. The two men seem to have been superhuman freaks of nature occurring in the same age, one in the Anglo-Saxon, the other in the Latin race.

Sir Walter Scott and Webster were very much alike in the largeness of their ability and point of view; per-

haps because they were the product of the same conditions in that age and its peculiar opportunities in literature, new ideas and methods of country life. Both were handsome and of fine physique as well as capable of unusual intellectual labor and a multiplicity of interests and enjoyments beyond most of mankind. Both were devoted to nature and country life, sport and animals, antiquities and literature. They had the same insatiable craving for owning vast acreage of land; and in all these pursuits they had the same facility for squandering money and getting into debt.

It seems to have required no great resolution or effort for Webster to work so early in the morning. He loved it. He had an uncontrollable passion for watching the stars disappear out of the sky; and perhaps the most beautiful passage in all his writings is his often quoted letter to Mrs. Page about the morning. Those early hours were intoxication to him. His powerful imagination revelled in them. He drew together all the beautiful things that had ever been written about the morning, from King David, from Milton, from Shakespeare, he knew them all, he could repeat them all at any moment, and he applied them after his practical manner as he handed the ears of corn to his mighty oxen and roamed through the dew-laden grass. He was living the ideals he had found in literature.

"It is morning—and a morning sweet, and fresh, and delightful. Everybody knows the morning, in its metaphorical sense, applied to so many objects and on so many occasions. The health, strength, and beauty of early years lead us to call that period the 'morning of life.' Of a lovely young woman we say, she is 'bright as the morning,' and no one doubts why Lucifer is called 'son of the morning.' But the morning itself, few people, inhabitants of cities, know anything about. Among all our good people of Boston, not one in a thousand sees the sun rise once a year. They know nothing of the morning. Their idea of it is, that it is that part of the day which comes along after a cup of coffee and a beefsteak, or a piece of toast. With them, morning is not a new issuing of light; a new bursting forth of the sun, a new waking-up of all that

has life, from a sort of temporary death, to behold again the works of God, the heavens and the earth; it is only a part of the domestic day, belonging to breakfast, the reading the newspapers, answering notes, sending the children to school, and giving orders for dinner. The first faint streak of light, the earliest purpling of the east, which the lark springs up to greet, and the deeper and deeper coloring into orange and red, till at length the 'glorious sun is seen, regent of day'—this they never enjoy, for this they never see.

"Beautiful descriptions of the 'morning' abound in all languages, but they are the strongest, perhaps, in those of the East, where the sun is so often an object of worship. King David speaks of taking to himself the 'wings of the morning.' This is highly poetical and beautiful. The 'wings of the morning' are the beams of the rising sun. Rays of light are wings. It is thus said that the Sun of Righteousness shall arise, 'with healing in His wings;' a rising sun which shall scatter light, and health, and joy, throughout the universe. Milton has fine descriptions of morning, but not so many as Shakespeare, from whose writings pages of the most beautiful imagery, all founded on the glory of the morning, might be filled.

"I never thought that Adam had much advantage of us from having seen the world while it was new. The manifestations of the power of God, like His mercies, are 'new every morning,' and 'fresh every evening.' We see as fine risings of the sun as ever Adam saw, and its risings are as much a miracle now as they were in his day, and I think a good deal more, because it is now a part of the miracle that for thousands and thousands of years he has come to his appointed time, without the variation of a millionth part of a second. Adam could not tell how this might be.

"I know the morning; I am acquainted with it, and I love it, fresh and sweet as it is, a daily new creation, breaking forth, and calling all that have life, and breath, and being, to new adoration, new enjoyments, and new gratitude." (Private Correspondence, vol. ii, p. 240.)

Then there were those days when he indulged another ideal. He and Peterson, not exactly as employer and employed, but more as shipmates, would take the sail boat in the early hours and the rising sun would meet them far out at sea, where they would spend the whole day fishing, dreaming and pondering on the vast prospect of the ocean, to return long after sunset deep-laden with their spoil.

He had a long holiday and outing that summer of 1843 after retiring from the office of Secretary of State. But he had to interrupt it early in June to prepare a second Bunker Hill address to celebrate the completion of the monument, the beginning of which he had celebrated with his famous oration seventeen years before. The second one was less eloquent and striking. It touched on union sentiment; and for the rest discussed the effect of the Revolution and the benefits of Anglo-Saxon rule in America. Senator Hoar was present as a boy among the Harvard students. Emerson, the philosopher, was also there, studied the orator in transcendental fashion and reported to the world:

"His countenance, his figure, his manners were all in so grand a style that he was without effort as superior to his eminent rivals as they were to the humblest. He alone of all men did not disappoint the eye and the ear, but was a fit figure in the landscape. He knew well that a little more or less of rhetoric signified nothing; he was only to say plain and equal things—grand things if he had them; and if he had them not, only to abstain from saying unfit things—and the whole occasion was answered by his presence." (Hoar, "Autobiography of Seventy Years," vol. i, pp. 135, 136.)

Webster now returned to practising law in winter, more particularly in the Supreme Court at Washington, and soon was making, he tells us, about fifteen thousand a year.[5] But this was a trifle for his expensive life, which required apparently more like thirty or forty thousand; and if he had had that much he would, no doubt, have spent it all and involved himself for as much more.

He was sixty-two years old, a grim and war-worn veteran in the contests of politics and the bar. But he was still the same genial Webster who used to write verses and humorous letters for his classmates and the girls in New Hampshire.

[5] Curtis, vol. ii, p. 239.

Monday Morning, March 4, 1844.

My Dear Josephine:

I fear you got a wetting last evening, as it rained fast soon after you left our door; and I avail myself of the return of your bonnet to express the wish that you are well this morning, and without cold.

I have demanded parlance with your bonnet; have asked it how many tender looks it has noticed to be directed under it; what soft words it has heard, close to its side; in what instances an air of triumph has caused it to be tossed; and whether, ever, and when, it has quivered from trembling emotions proceeding from below. But it has proved itself a faithful keeper of secrets, and would answer none of my questions. It only remained for me to attempt to surprise it into confession by pronouncing sundry names one after another. It seemed quite unmoved by most of these, but at the apparently unexpected mention of one, I thought its ribbands decidedly fluttered! I gave it my parting good wishes, hoping that it might never cover an aching head, and that the eyes which it protects from the rays of the sun may know no tears but of joy and affection. (Works, National Edition, vol. xvi, p. 425.)

It was at this time in the year 1844 that he argued the Girard will case, a famous controversy in its day. Girard had made what for that time was an enormous fortune in the ship-owning and commercial interests of Philadelphia. He was our first conspicuously rich man, the first American millionaire. A part of his fortune he left to establish an orphan college still existing in Philadelphia. He provided that while the pupils should be taught the "purest principles of morality," no religion of any form should be taught within its walls, "no ecclesiastic, missionary or minister of any sect whatever" should have any station or duty in the college or even be admitted within the premises as a visitor. Webster was retained to argue the case in the Supreme Court at Washington and show that the gift was not a legal charity because derogatory to the Christian religion, an attack upon "all the laws of God and all the usages of Christian man," "mere sheer, low, ribald, vulgar deism and infidelity," for the ruin and degradation of unfortunate orphans. He spoke for three days

on law, religion and the history of Christianity, and a large part of what he said was published, widely circulated, and read with great satisfaction by religious people all over the country. But the court upheld the will, the orphan college was established in the manner provided by its founder, and is still a flourishing institution.

Crowds of people came to the court each day to hear him speak and could hardly be restrained from applauding the impassioned passages in defence of Christianity. Judge Story, who wrote the opinion of the court, was unconvinced by the speech, and afterwards said in a letter that Webster had done all he could for his side, but that it was "altogether an address to the prejudices of the clergy." [6]

It may be said here that Webster had, of course, been brought up in the orthodox belief, as it was called, or Congregationalism of New England, the old Puritan faith. He seems to have gone to churches of that sort near Marshfield at times; but Lanman, his secretary, says that he was an Episcopalian and preferred that form, though he was liberal in listening to other preaching. Parton, a Unitarian and Abolitionist, says sneeringly that he became an Episcopalian because it was a genteel faith, and assures us

> "He had no religion. . . . What he called his religion had no effect whatever upon the conduct of his life; it made him go to church, talk piously, puff the clergy and patronize Providence—no more." (Famous Americans, p. 112.)

This means that a man who was generally believed to have overindulged in drinking and eating and some other good things of life, and differed from Mr. Parton in politics, had better have had not quite so much to say about religion. Mr. Parton, however, should have remembered that religion and the churches are for the sinners as much as for the righteous.

[6] Life of Story by his Son, vol. ii, p. 469.

Theodore Parker seems to come closer to Webster's religion when he says that he went to the Episcopal Church in Washington, the Unitarian in Boston, and to churches generally without regard to the theology of the minister. How could he have been Webster and have done otherwise? To conceive of him confined to any one division of Christianity is impossible. He probably liked the Episcopal Church because of the richness, beauty and good taste of its Book of Common Prayer; and here and there in his speeches he uses phrases from it with evident relish of their forceful meaning.

Religion was to him poetry. It appealed to his powerful emotions. He loved it for its scholarship, its learning, its history. He loved it as he loved geology and astronomy. He loved its grandeur and sublimity, its lofty morality and unselfishness, the primitive Homeric poetry of the Old Testament and the Sermon on the Mount, of which he said in his last days it " cannot be a merely human production." That is to say, he loved all that side of it, and for the superstition, the cunning, the priest-craft, the ritual and the dogma he cared not one straw, although he would show most kindly consideration for anyone who was addicted to that phase.

One of his greatest pleasures was to read the Old Testament aloud to his friends at Marshfield as his father had read it to him as a boy. But he had gone far beyond his father and studied all that had been written on the origin and history of the ancient writings. He had even studied the geology of Palestine and the changes supposed to have taken place in the region of the Euphrates. He had read about Confucius and the Indian and early Persian lawgivers and sages, and compared their writings with the writings of the Hebrews. No one, it used to be said, could listen to his readings and comments without believing in the inspiration of the Scriptures or in his.

His views were, however, largely rationalistic. He

wanted to write a book on Christianity, to leave a declaration of his belief in it. He would avoid, he said, doctrinal distinctions about the Saviour, "but I wish to express my belief in His divine mission." He looked upon the Old Testament as a most interesting development of ancient law; but principally as a collection of poems of vast antiquity, handed down by tradition and of a primitiveness and beauty far excelling Homer. He was quite indignant with anyone who could not see this. "I have met with men in my time," he said, "accounted learned scholars—who knew Homer by heart, recited Pindar, were at home with Æschylus, and petted Horace—who could not understand Isaiah, Moses or the Royal Poet . . . so far superior in original force, sublimity, and truth to nature." [7] It was to bring out this wonderful poetry, the tenderness and intellect of David, the sublimity of Isaiah, the dignity and imagery of Job, that most of his readings and comments were directed. He would explain at length the weakness of the Iliad compared with the powerful imagery, the superb passion and the sublime thought of those ancient children of the desert that had found in him a kindred imagination.

He, of course, failed to attain the Whig nomination for the Presidency in 1844. His biographers have bewailed this loss both to himself and the country, and have condemned the narrowness and shortsightedness of the Whigs. But when we reflect that Webster's persistence in remaining so long in Tyler's cabinet had brought on the discussion whether he was a Whig at all, we need not be surprised at the result. With fully half his party declaring that he was not a Whig, or that he was a renegade Whig, how was it possible for him to attain the nomination?

When Tyler became President, Webster had before him in the Department of State half a dozen momentous questions, questions that had been accumulating

[7] Works, National Edition, vol. xiii, pp. 571, 592.

Courtesy of the S. S. McClure Company

WEBSTER IN 1845. AGE 63

for half a century. He was conscious of the ability and experience to deal with them, to succeed where all others had failed, to perform a great public service, and reap a corresponding immortal reputation. He was unquestionably right in accepting this opportunity, and allowing half his party to howl about the renegade while the other half wrote him letters of admiration, congratulation and support, letters which his literary executor, finding among his papers, wonders why they did not give him the Presidency or at least the nomination.

But when we choose between two courses in this world, we usually can enjoy the benefits of only one of them. The Presidency is not usually given as a reward, least of all as a reward for unusual independence of thought or action. It has generally been regarded as standing by itself, governed by considerations peculiarly its own; and a man with a long career of political experiences and innumerable and varied opinions on all sorts of subjects is usually too vulnerable to be available. Henry Clay, who received the Whig nomination on this occasion, though less independent than Webster, was rather too much of the sort of man just described to be a successful candidate. Webster took the stump for him and made a number of speeches during the summer and autumn; but Clay was easily defeated by the Democratic candidate Polk.

Webster's leave of absence from public life lasted only about two years. He returned again to Congress in March, 1845, as Senator from Massachusetts, just after the annexation of Texas had been accomplished by northern as well as by southern votes and greater territory and larger representation in Congress given to the slave-holders.

The most important subject which first occupied his attention in the Senate was the Oregon boundary, our northwest boundary on the British possessions, which had not been settled by the Treaty of Washington. There was a strong and even violent feeling in the

country, shared principally by the Democratic party, that the boundary should be the line of latitude 54° 40′, which would have taken our domain some three hundred miles farther north, and cut off British America from the port of Vancouver and all access to the waters of Puget Sound on the Pacific Ocean. "Fifty-four forty or Fight," became the party cry of the Democrats, while Webster inclined to a milder course, deprecated war and advocated the line 49° north latitude, which is now the boundary.

In Faneuil Hall he made a strong speech in favor of peace with England which was translated in several languages in Europe. But in Congress, both in the Senate and the House, he was assailed by the Democrats and his whole conduct in the Washington Treaty and the McLeod affair reviewed. He was charged with dishonorably surrendering to England a large part of the State of Maine, of violating the rights of the sovereign State of New York by interfering in the defence of McLeod, and of writing to the Governor of New York that if McLeod were not released the town of New York would be laid in ashes. There were other charges which originated with an employee in the State Department who intimated to some of the Democrats that he could show them evidence against Webster in the files of the department. It was a time of great political excitement, the Democrats were expecting to make capital out of the feeling against England and it would be a great thing to get rid of Webster, who was hitting them hard by showing that they were trying to force President Polk into a rupture with England. Mr. C. J. Ingersoll, a member of Congress from Philadelphia, examined the files of the department and framed several charges accusing Webster of unlawful use while Secretary of State of the Secret Service fund, of a default of over two thousand dollars in that fund, and also of using the fund to corrupt the party press.

Webster's success in settling the northeast boundary,

which for forty years had defied the skill of all other statesmen, was to be explained, Mr. Ingersoll said, by his use of the Secret Service money to corrupt the press of Maine and bring it to a willingness to compromise, a feat which former administrations had been unwilling to accomplish by corruption.

It was true that popular feeling in Maine was so touchy on the boundary question, the people were so ready for war, that the journals of neither of the two parties in the State had dared handle the subject. Investigation showed that Webster had employed a person to write articles for the religious press of the State and in that way brought the people into a more amicable mood towards his plan of compromise, and the writer of these articles was paid out of the Secret Service fund.

There was considerable excitement over Mr. Ingersoll's charges in Congress and two committees were appointed to investigate them by witnesses and documents.[8] The committees were composed of the party hostile to Webster and one of the members was Jefferson Davis, afterwards Secretary of War and later President of the Southern Confederacy. But although composed of his political opponents, the committees reported in favor of Webster and entirely exonerated him with only one dissenting voice. The evidence showed no more than his usual want of method in dealing with money matters. There had been a sum expended for which he had no vouchers; but he had paid it out of his own pocket until he could find the vouchers.[9]

There was one of the charges, however, not apparently passed upon by either of the committees, which was true and not denied by either Webster or his friends, and that was that he was pensioned by a number of prominent gentlemen in Massachusetts. About

[8] Works, National Edition, vol. xvi, pp. 448–452.

[9] Curtis, vol. ii, pp. 286, 287; Works, National Edition, vol. xvi, pp. 445, 446.

forty of his admirers who had been supporting him in politics for some twenty-five years, knowing well the story of his debts and that he was incapable of accumulating or even saving money, raised among themselves a fund of $37,000, which they put in trust for him, the income to be paid semi-annually, and when not called for to be added to the principal. The list of these persons included a large proportion of the most prominent and respected citizens of Boston; such names as Sears, Appleton, Shaw, Lawrence, Thayer, Curtis, Grey, Lowell, Amory, Dexter, Quincy, Lyman, Shaddock, Loring, Cabot, Gardner and Prescott. It was a list of eminence, conservatism and intelligence of which any man would be proud to have the support.

Webster accepted this gift and also other gifts of money from rich admirers and friends, to the great injury of his reputation. Some of those who contributed were interested in the industries sustained by the protective tariff; though by no means all. But, of course, the charge has been made that Webster's advocacy of the tariff was bought by these gentlemen and that he was nothing more than their agent and attorney in Congress.

Theodore Parker in the full heat of Abolitionism charged him with collecting money which he did not pay over; but Parker was not a lawyer, was always violent, and seldom realized the full meaning of his own language. He may not have realized that he was charging Webster with embezzling his client's money. But as Parker was a public man of the day and as the purpose of this book is to give the reader the evidence, we must quote some more of his onslaught.

"In 1827 he solicited the Senatorship of Massachusetts; it would put down the calumnies of Isaac Hill! He obtained the office, not without management. Then he refused to take his seat until ten thousand dollars was raised for him. The money came clandestinely, and he went into the Senate—a pensioner! His reputation demanded a speech against the tariff

of '28; his pension required his vote for the 'Bill of abominations.' He spoke one way, and voted the opposite. Was that the first donation? He was forestalled before he left New Hampshire. The next gift was twenty thousand, it is said. Then the sums increased." (Sermon on Death of Webster, p. 96.)

The next to the last statement of the above admits that it is based on hearsay. The first part of it says he was so weak that he had to solicit the Senatorship in 1827, and yet so strong that he could demand $10,000 for accepting it, which is somewhat contradictory. The statement about the tariff of 1828 is obviously unfair.

Setting aside these unproven charges and confining ourselves to the pension of $37,000 given by the Boston gentlemen, Webster, of course, should not have accepted such gifts of money. He ought not to have been in a position which tempted him to accept them. His acceptance, even for the best reasons, at once laid him open to the inference which every enemy or opponent very naturally drew. Yet there is no evidence that the Boston gentlemen in question had any intention of bribing or influencing his opinions; and it does not appear that he worked in their individual interests or changed any of his opinions.

For many years, for a quarter of a century and more, Webster had been not only the admiration but the hope and reliance of the moneyed and conservative classes, the merchants, manufacturers, capitalists and bankers. Men of this sort had for a generation been living in continual dread of the crude schemes, wildcat banks, pet banks and other Jacksonian and Democratic or popular methods of finance which had brought upon the country a succession of disastrous panics. They regarded Webster as their own peculiar representative and protector. In seasons of danger, said the Philadelphia merchants, "he has been to us a living comforter, and more than once has restored this nation

to security and prosperity." [10] This was the feeling of all the great business centres. These people regarded Webster's views as sound; they wished him to stay in politics forever; when he attempted to retire and devote himself exclusively to his profession in 1836, they forced him back into public life and they straightened out his tangled private affairs. This was done by wealthy and important persons in New York as well as in Massachusetts.

From all these circumstances and from the long-continued, oft-repeated and spontaneous support of those prominent persons, Webster got into the habit of relying on them. They insisted on his staying in politics, their admiration, their faith in him, their belief in the good work he was doing were obviously sincere, and, as they kept him in politics, on the small salaries of those times, and prevented him from earning a large fortune at the bar,—well, he allowed them to help him. That was the sum and substance of it. In the letter announcing to him the small trust fund deposited for his benefit in Boston, they say:

"Government grants nothing beyond the salary of office for services rendered, and a consequence is that our ablest statesmen, on their retirement from the highest positions, are frequently obliged to return to the labors of their early life; and our venerable judges, even of the Supreme Court of the nation, after years of toil, are left in their old age poor and unprovided for. Your friends in Boston, desirous, in your particular case, to ward off these evils and furnish you with a supply for your future wants, have determined to show, on their part at least, a decided preference for a permanent provision, and to offer you, in this way, a prop to sustain you hereafter." (Curtis, vol. ii, p. 286.)

His secretary, Lanman, said that "he knew not the value of money." But that was hardly an explanation. He knew the value of money as well as anybody; better than most people; but he never could bring himself to attend to its details; he despised all those details unless

[10] Curtis, vol. ii, p. 299.

they came into great questions of governmental finance. He could deal with his own finances only as troublesome generalities to be shoved aside, left to the care of others, or left to take care of themselves. Those details, which to some men are a delight, were to him a nuisance that interfered with his studies of great problems of law and politics, his oratory, his farms, his love of literature, and his sports. He liked to regard money matters as mere incidentals, vulgarities not to be mentioned, and nothing like so important as Monica's roasting of a fine saddle of mutton.

"He made money with ease," says his secretary, "and spent it without reflection. He had accounts with various banks and men of all parties were always glad to accommodate him with loans, if he wanted them. He kept no record of his deposits, unless it were on slips of paper hidden in his pockets; these matters were generally left with his secretary. His notes were seldom or never regularly protested, and when they were they caused him an immense deal of mental anxiety. When the writer has sometimes drawn a check for a couple of thousand dollars, he has not even looked at it, but packed it away in his pockets, like so much waste-paper. During his long professional career, he earned money enough to make a dozen fortunes, but he spent it liberally, and gave it away to the poor by hundreds and thousands. Begging letters from women and unfortunate men were received by him almost daily, at certain periods, and one instance is remembered where on six successive days he sent remittances of fifty and one hundred dollars to people with whom he was entirely unacquainted. He was indeed careless, but strictly and religiously honest in all his money matters. He knew not how to be otherwise." (Lanman, Private Life of Webster, p. 90.)

Some of his lavishness, like buying the freedom of slaves, was real generosity. Other instances were mere carelessness. Two of the stock stories seem very characteristic of his point of view. A merchant had long pressed him for payment of a bill. At last Webster stepped hurriedly into the man's office one day, emptied out a couple of handfuls of coins and notes on the desk, pushed them towards him without counting, asked him to place them to his credit, and as hurriedly

departed. Then there is the old and rather doubtful one of the boy who came to his office for payment of a bill and found him solemnly reading Blackstone. "I have no money, my boy," he said, abstractedly looking up with the great black eyes that almost frightened the boy out of his wits. Then he paused, fumbled among the leaves of the book, found a hundred-dollar bank note there, handed it to the boy without inquiring the amount of the bill, and went on with his reading.

Yet in all other things, from the smallest points in the mechanism of his guns and fishing rods up to the most delicate shades of meaning in words, this man was the most cautious master of exactitude and details. But money was dross to him. He liked its results; he had had more or less of it in his lifetime; but he hated to be bound by it. One sees this trait in some of his early letters when he was just out of college, and he and his brother and father were continually poor and continually borrowing money. He never complained of his straitened circumstances. He made fun of them. He speaks of having only "a few rascally counters in my pocket," that the "rascal dollars" are a necessity after all, calls them "dear delightfuls," and says, "How pleasant it would be to retire with a decent clever bag of Rixes to a pleasant country town and follow one's own inclination."

The boy is father to the man. He never changed much in that respect. To have "a decent, clever bag of Rixes" somehow or other, and retire where he could spend them lavishly on friends, fine cattle, farming and sport, meanwhile pursuing his tastes for literature, geology and astronomy, with a touch of political and rhetorical eminence, and when the bag of Rixes gave out have another one come along, he hardly knew exactly how—that was his ideal.

One cannot help remembering the remark of Judge Smith when Webster, as a youth in 1812, declared he would risk his prospects at the bar for the sake of a seat in Congress.

"The impudent young dog that he is; he does not know the value of money and never will. No matter, he was born for something better than hoarding money bags." (Works, National Edition, vol. xvii, p. 547.)

He knew his fault. "I almost wish sometimes," he wrote at the close of his life, "that I had been born a miser. A great portion of all the ills which I have felt in life, except family misfortunes, have arisen from too great a carelessness about saving and investing my hard earnings." [11] One day in 1849, when nearly seventy years old, sitting in court and tired of listening to the dry arguments of his colleagues and opponents, he began to write a defence of himself in a letter to General Lyman:

"It will be said, or may be said hereafter, Mr. Webster was a laborious man in his profession and other pursuits; he never tasted of the bread of idleness; his profession yielded him at some times large amounts of income; but he seems never to have aimed at accumulation, and perhaps was not justly sensible of the importance and duty of preservation. Riches were never before his eyes as a leading object of regard. When young and poor, he was more earnest in struggling for eminence than in efforts for making money; and in after-life reputation, public regard, and usefulness in high pursuits mainly engrossed his attention. He always said also, that he was never destined to be rich; that no such star presided over his birth; that he never obtained anything by any attempts or efforts out of the line of his profession; that his friends on several occasions induced him to take an interest in business operations; that as often as he did so loss resulted, till he used to say, when spoken to on such subjects, 'Gentlemen, if you have any projects for money-making, I pray you keep me out of them; my singular destiny mars everything of that sort, and would be sure to overwhelm your own better fortunes.'" (Lyman, Memorials of Webster, vol. ii, p. 152.)

The situation, after all excuses, was certainly not creditable to Webster. But independently of the inferences which may be drawn from the bald facts, the people in Boston, New York and Washington, who at various times furnished him with money, do not appear

[11] Works, National Edition, vol. xvi, p. 636.

to have regarded themselves as bribing him or hiring him to advocate particular principles. It was done openly and was well known. They seem to have regarded themselves as saving from financial embarrassment a valuable public man whose opinions had always been the same as their own.

The charge has several times been made that it was very outrageous of him to have fine cattle, experimental farms and other extravagant pleasures when he owed money to people and when the money subscribed and given to him was used by him in these pleasures. He no doubt laid himself open to this attack; but it is perhaps a little narrow. The gentlemen who subscribed the money knew all about him; they gave the money with their eyes open, knew his habits, knew perfectly well how he spent money; and presumably, as men of wealth and his admirers, were glad to have him spend it on whatever was his way of life. They would not have cared to see him stint himself or lead a meagre, mean existence. In fact, they gave him the money to enable him to live like the regal natured sort of man he was. It was that nature in him that won their admiration; and it must be remembered that the money was given voluntarily and of their own accord.

It was a characteristic of the times. People do not now go into such ecstasies of admiration over a public man as they did in those days over Webster and Clay. There are a number of stories of people shedding tears over Clay's defeats, of women going in crowds to kiss him, bursting into tears when they met him on the road; and it will be remembered that when Clay was ruined financially by an unlucky speculation and was about to sell his beloved country place, Ashland, his friends relieved him of all his debts by secretly going to the bank and paying the notes he had signed. When he inquired in astonishment by whom this had been done, he was told "not by your enemies, Mr. Clay"; and that was all the answer he could ever obtain.

Burke's debts were paid by his friends, and Charles Fox, described in English books as of such immaculate politics and immaculate oratory, was given an annuity by his admirers. Fox's debts were not incurred like Webster's by over-generosity, lavish entertainment of his friends, excessive charity and love of animals, farming and nature. They were incurred in gambling of such an extravagant kind as almost to warrant the interference of the police; but they are treated by his biographers as a mere amiable eccentricity.

A few years ago there was a short controversy in the *Forum Magazine* between Senator Hoar and Mr. Charles R. Miller, editor of the New York *Times*. The Senator maintained that there was no deterioration in the Senate of his day as compared with the Senate of the time of Webster, Clay and Calhoun. Mr. Miller maintained that there was considerable difference; that in Webster's time strong men went into public life from inward call and love of the highest distinction, often to the sacrifice or injury of their wealth or fortune. Distinction was the reward. But now high intellect is regarded as better rewarded in serving as officials or lawyers in the interests of great corporations or syndicates of capital. Webster, if he were alive to-day, said Mr. Miller, in closing, would be neither in the Senate nor in debt.[12]

[12] Forum Magazine, vol. xxii, p. 281.

XVII

THE MEXICAN WAR AND SLAVERY

The events which led to the Mexican War and followed it wrought a profound change in Webster's position, a change which alienated from him many of his constituents in New England, and which, when added to his unpopularity for remaining in the "renegade Tyler's cabinet," may be said to have seriously marred his reputation in his own party, more particularly among the Abolitionists, Free Soilers, and anti-Slavery Whigs, and to some extent among their successors, the Republicans.

He had been opposed to Henry Clay's compromise with the South in 1833. He believed that it was unnecessary; that the southern defection was not well organized, that the North was strong enough to prevent one State like South Carolina from breaking up the Union for the sake of slavery. At the time of South Carolina's nullification proceedings in 1833, Webster, instead of compromising, would have let events take their course and would have supported President Jackson in making an example of South Carolina in her attempt at nullification, secession and rebellion. But the Mexican War wrought such a vast change in the balance of power between the North and the South, it so increased the slave power, and so encouraged the organization of secession, and so increased the numbers of the Abolitionists who also believed in secession that Webster went over entirely to Clay's idea of compromise as the only way, for the time being, of preventing the break-up of the Union.

The origin of the change in the situation was Texas, which, as we know, won its independence from Mexico in 1836. Immediately the question of its annexation

HAT PORTRAIT OF WEBSTER
(From a Daguerreotype)

to the United States arose. It was next door to us; its people were largely in favor of annexation; and our Democratic party, especially the southern Democrats, were eager to annex it, in order to extend the area of slavery and obtain a larger representation in Congress for the slave-holding interest; in short, to throw the balance of power decidedly in favor of the South. Indeed the Whigs, except Webster and a very few others, were not seriously opposed to annexation, certainly not as much opposed to it as they should have been.

It had long been the practice of Congress to keep the balance of power nearly even. If a free State were admitted, a slave State was soon admitted to balance it. There were at this time fourteen slave and thirteen free States. But territory for slave States was exhausted, while there was almost boundless territory in the North and the Northwest from which free States could be made. The South saw in this the prospect of increasing weakness for the slave interest. The vast region of Texas would furnish four or five slave States. Mexico had set free her slaves. Texas retained slavery and southerners migrated into it with their slaves. The soil of a large part of Texas would produce cotton; and annexation seemed necessary in order to preserve slavery both in Texas and in the United States. And slavery was indeed in danger; for besides Mexico, England and France had recently set free the slaves in their colonies.

President Tyler, after Webster left his cabinet, secretly negotiated a treaty of annexation which was submitted to the Senate, but rejected because the boundaries given to Texas would encroach on Mexico and be a cause of war. In the Whig convention of May, 1844, Henry Clay was nominated, again defeated, and the Democratic candidate, Mr. Polk, became President.

But before Polk was inaugurated Tyler's administration succeeded in annexing Texas. Calhoun had become Secretary of State and became very much alarmed

for southern interests because there were movements on foot in Texas to abolish slavery. If these succeeded the southern slave-holders would have a source of abolitionist propaganda on the south of them as well as on the north. They would be almost surrounded by abolitionism with its moral arguments, its pamphlets and tracts, and its enticements to their valuable, or supposedly valuable, human property. Calhoun, therefore, bestirred himself to carry out a new plan of annexation; and, instead of the plan of a formal treaty which had recently failed, he secured the consent of the government of Texas to have annexation accomplished by mere resolutions in Congress. These resolutions were passed by both House and Senate on the 1st of March, 1845, three days before Mr. Polk was inaugurated and three days before Webster took his seat in the Senate.

From the moment he heard the first intimations of the schemes for annexing Texas, Webster seems to have been deeply agitated; more so than some of his friends thought necessary. It would increase the slave power, he said; it would endanger the Union. He wrote articles against it in the newspapers; he had a resolution against it introduced in Congress; he tried to have public meetings called against it; but all to no effect. The Whigs said that he was an alarmist; that he was jealous of Clay and wanted to injure him; and as a matter of fact, the annexation proceedings were put through Congress largely by northern votes, the votes of men who afterwards became Free Soilers and Abolitionists and denounced Webster for not having stopped annexation. He should have tried harder, they said, to stop it. He should have made a greater effort. He should have given one blast upon his bugle-horn which would have been "worth a thousand men." He might have attained the Presidency on such an issue; and so on with similar nonsense; for when men become fanatics one of the first things they lose is their sense of humor.

One of the consequences, however, followed very

quickly. President Polk, in taking possession of Texas, advanced the United States troops into the territory, the title to which was in dispute between Texas and Mexico, and this immediately brought on war. The southern Democrats—and their President, Mr. Polk, was from Tennessee—were rather eager for war, which, it was believed, would bring the conquest of vast territory in the Southwest for the extension of slavery.

The Constitution allows war to be declared only by Congress, differing from the old governments of Europe, which gave this authority to the Crown; and the conduct of Polk was the first instance which showed how easily this provision of the Constitution could be evaded. By moving some troops only a few miles he had involved the country in a war which Congress must in honor accept. Congress merely passed an act raising troops for the war, and the preamble to the act recited that a state of war exists "between the United States and Mexico."

Into the details of the Mexican War we need not enter, except to say that Webster's son Edward served in it and died at its close of a fever, a sad loss to the father, whose other son, Fletcher, was to meet a similar fate in the Civil War.

That Mexico would be conquered was a foregone conclusion; and the most serious question in the minds of conservative Whigs, and also in Webster's mind, was how much of the ancient territory of the Aztecs, and the Spaniards, was to be obtained for the extension of slavery. Should all Mexico be obtained, together with California, and what is now Nevada, Arizona, Utah, New Mexico and Colorado, the slave-holding representation in Congress might become the most powerful republic in the world, and set back the clock of civilization several centuries. Webster, therefore, while expressing entire willingness to vote all necessary supplies for the war, insisted at the same time on offers of peace. His labors were all directed to stopping the

war as soon as possible, stopping the thirst for conquest before it became insatiable, and getting us out of the scrape with as little slave territory as possible.

He would preserve the integrity of the Mexican republic as far as possible; leave it with all the territory possible; for in spite of any shortcomings it may have had as a republic, it had freed its slaves. Texas had been annexed to the Union under a Congressional pledge and understanding by which four new slave States could be formed out of its vast domain, and how many more might be formed out of additional vast deserts in the Southwest was a terrible situation to contemplate.

Mr. Wilmot, a member from Pennsylvania in the Lower House, had introduced his famous resolution, tacked on to the end of an appropriation bill and known in history as the "Wilmot Proviso," that slavery should be excluded from all territory that might hereafter be acquired by the United States. This was an excellent idea, a very stirring one in those times. It was, they said, like the similar proviso in the old ordinance of 1787 for the government of the Northwest Territory, the proviso of which it was disputed whether Jefferson, of Virginia, or Nathan Dane, of Massachusetts, was the author, but the proviso, nevertheless, which made Ohio and all the region of the Great Lakes a land of freedom. The free soil sentiment rallied to the idea. The Abolitionists, and the whole slavery-hating element of the North, formed themselves round it, and made it a party cry. It would be a vast relief and satisfaction if it could be carried out. Webster voted for it and the Abolitionists have never let him hear the end of that inconsistency, as they called it.

The proviso, however, was defeated in Congress; but it became a name and a symbol, almost a battle flag for the doctrine of the exclusion of slavery from the territories. In desperation at the evil look of the future, Webster believed in cutting off the difficulty at its source and admitting no new territory at all in

that region; and he introduced resolutions declaring that the war with Mexico must not be one of conquest for the acquisition of new States, and that the Mexican government should be informed that the United States were ready to treat for peace and an adjustment of boundaries on terms liberal to Mexico.

Similar resolutions were offered by Berrien, of Georgia, and the idea of total non-acquisition was by no means without its advocates in the South. Looking back at it from their lofty ground of historical perspective the Abolitionists denounced it as a most contemptible notion, an admission that we must not acquire territory because we had not sufficient strength or courage to keep slavery out of it. But the men who advocated non-acquisition were in responsible positions, had to deal with events as they arose, and had not as much to gain from civil war and disunion as the Abolitionists. The forces for acquisition, however, and American optimism that everything would turn out for the best, carried the day. By the treaty of peace with Mexico we acquired Upper California and what was then called New Mexico, which included the present Utah, Arizona, Nevada, New Mexico, Colorado and part of Wyoming. This vast region, together with Texas, was capable of adding some ten large States to the Union, and twenty or thirty States of the size of Massachusetts.

Another result of the Mexican War was that General Taylor, who had conducted its early campaigns with what seemed to the country very brilliant success, rapidly reached a point of popularity which made him an obvious candidate for the Presidency. "Old Rough and Ready," as he was called, had spent most of his life in the army on the frontier, and his letters were not always grammatical.[1] But as a candidate he far outshone General Winfield Scott, who had brought the war to a close. General Taylor's political opinions were

[1] Rogers, The True Henry Clay, p. 202.

not well known; it was not certainly known how much of a Whig he was. But the Whigs saw in him an available man. He was a Louisiana slave-holder and would catch southern votes; he was a military hero with whom they could win as they had won with General Harrison.

In April and May of 1847 Webster visited the South and was lavishly entertained with dinners, banquets, receptions, and processions at Richmond, Wilmington, Raleigh, Charleston, Savannah and Columbia. In our time we have not been accustomed to such enthusiasm in the South over a northerner. At Charleston the ovation was really splendid; and the speakers referred to their difference of opinion with Webster on nullification and the Constitution with a pleasant frankness which apparently put everybody in a good humor. Their distinguished guest was taken to see plantations and given glimpses of southern life and the slave aristocracy at the height of its power and attractiveness, which must have been of absorbing interest. If Webster had only kept a diary of it or written some descriptive letters they would now be invaluable. But there is not a word. So far as we are concerned the most stupid blockhead in the country might just as well have gone into that wonderland. Something was wrong with him. He was sick, his literary executor says, and it was a rare thing for Webster to be incapacitated by sickness. He had intended to go as far as New Orleans, but the increasing heat and his health led him to turn back after Savannah and Columbia. His speeches were poor; the one at Columbia particularly so; mere emptiness; and Francis Lieber, then a professor at Columbia, at the University of South Carolina, tells us that although elaborate ceremonies, illuminations by the students and receptions by the citizens were gotten up for him, he disappointed everybody by his forbidding manners. Prominent men were anxious to talk with him, but he had not a single conversation with any one.

He was " cold and torpid like an alligator," and " absent to a degree of discourtesy which many considered rudeness." [2]

Webster's hopes for a nomination were again blighted; and we learn how little the Whig leaders regarded his claims when we find them suggesting to him the indignity of taking second place on the ticket, running, in short, as Vice-President to Taylor, to help secure the triumph of the party. Henry Clay, though twice defeated as a candidate for the Presidency, had considerable strength in this Whig convention of 1848, and General Scott had some support. But Taylor, the rugged soldier and honest man, as he was popularly regarded, was nominated. No party platform was adopted, no declaration of principles or policy on the great questions before the country was made. The plans of the Whig leaders were to secure the Presidency, relying solely on the enthusiasm of the country for Taylor; and leave principles and policies, including Taylor's opinions, to be settled in the future.

This was very distasteful to Webster. The popular craze for a Presidential military hero he disapproved of, as much as he had in Jackson's time. He had very little confidence in Taylor, knew nothing of his opinions, and did not believe he had had sufficient political experience for such a high office. But he had no choice except to advocate his election. Taylor at his worst would be better than a Democrat who would turn everything over to the extension of slavery. It was Webster's duty to assist in keeping the Whig party together, and stay with it as the only political organization in the country that at all represented his ideas.[3]

A large number of Whigs of a more or less Abolitionist tinge were so disgusted with the nomination of a slave-holder, under such circumstances, that they

[2] Lieber, Life and Letters, p. 210.

[3] Works, National Edition, vol. xvi, pp. 494-499.

left the party and never returned to it. They formed themselves almost simultaneously in various parts of the country into what was soon known as the Free Soil party, describing itself as the Constitutional Antislavery party as distinguished from the Abolitionists, who would destroy slavery and also the Constitution and Union if they stood in the way. The Free Soil party, gradually gathering to itself recruits from both Democrats and Whigs, became in a few years, as the Whigs entirely disappeared, the Republican party of the Civil War and modern times.

The Free Soilers would have gladly welcomed Webster to their ranks. They wanted his eloquence; and they said he should have joined them. It was a crisis, they said, in his life; he could have consistently parted from the Whigs; and their historians have gone on to enlarge on this lost opportunity to "appeal to the conscience of the North," which would have "answered in tones of thunder," swept the country like a whirlwind and settled all the questions in 1850 that were afterwards settled by the Civil War of 1861. How easy and delightful it would have been!

But we must remember that they were asking Webster to break from his long service with the Whigs, not for anything in their platform, for they had adopted no platform, but because Taylor had been nominated partly to please the South and the southern Whigs and secure their votes, an old practice of both parties, natural enough, and not necessarily reprehensible. Was it not a little too much to ask an experienced veteran statesman to join a brand-new party, not a year old, whose platform against the extension of slavery was the same as the Whigs had often declared, and whose inexperience and innocence were shown by nominating as their candidate the old Democratic fox, ex-President Martin Van Buren?

Ten years later, the Free Soilers having become experienced, the question of joining them would have

been a very different matter. But really the suggestion that Webster should take the stump for Van Buren was almost a joke. To an enticing letter from Mr. E. Rockwood Hoar, painting the glories of free soil under Van Buren, Webster replied:

"It is utterly impossible for me to support the Buffalo nomination; I have no confidence in Mr. Van Buren, not the slightest. I would much rather trust General Taylor than Mr. Van Buren, even on this very question of slavery, for I believe that General Taylor is an honest man and I am sure he is not so much committed on the wrong side as I know Mr. Van Buren to have been for fifteen years. I cannot concur even with my best friends in giving the lead in a great question to a notorious opponent to the cause, besides there are other great interests of the country in which you and I hold Mr. Van Buren to be essentially wrong, and it seems to me that in consenting to join a party under him Whigs must consent to bottom their party on one idea only, and also to adopt as the representative of that idea a head chosen on a strange emergency from among its steadiest opposers." (Works, National Edition, vol. xvi, p. 498.)

In the same reply Webster speaks of another habit which both the Free Soilers and Abolitionists had in excess. There is no question that Webster and Whigs of his kind were opposed to the extension of slavery; they had said so a thousand times. But every time they said so some Free Soiler or Abolitionist would condescendingly congratulate them and pat them on the back, declare them a convert and then charge them with treachery and inconsistency if they were not willing to jam through a Wilmot Proviso on every possible occasion or smash the Constitution for the sake of immediate emancipation. Their historians have continued the habit and brand as an enemy of freedom every one but an extremist. "There are those," said Webster, "who will not believe that I am an anti-slavery man unless I repeat the declaration once a week. I expect they will soon require a periodical affidavit."

The substance of his position was that in that dark and troubled night he saw no "star above the horizon

promising light to guide us, but the intelligent, patriotic, united Whig party of the United States." He spoke with the greatest frankness of Taylor's shortcomings, his extreme inexperience in civil and political life, and said that it was a nomination not fit to have been made. He went so far in this direction that he offended Taylor's friends, although at the same time he advocated the election of Taylor in his most forcible manner as the only safe course to be pursued. "The safest way is to overlook the nomination as not being the main thing, and to continue to maintain the Whig cause."

He was really a party man of most remarkable independence. He stated his exact position at this time, his determined opposition to any extension of slavery into the territories, his opinion of Taylor and the necessity of his election. He amplified and enlarged these points with his inexhaustible faculty for detail and exactitude. We read it all with pleasure and with pride. It is convincing, satisfying; it built up his reputation for the future; but in its superb independence we see why he was not in those days an available man for the Presidency.

Indeed it has always been difficult, and is still difficult, for a member of long service in either House of Congress to become an available candidate for the Presidency. It may be because he has said too much, his opinions are too well known and he has aroused opposition and acquired enemies. It sometimes seems as if the people preferred for President a man whose opinions were still to be developed; as if they wanted the excitement and risk of discovering them; or it may be that they instinctively feel that the head of the nation should be a man as unlike as possible and of a different class and experience from the legislators whom he is to criticize and veto.

Men so full of original ideas, who had said and argued so much as Webster and Henry Clay, very

naturally found difficulty in attaining the Presidency. Clay, who had a large and most enthusiastic following of devoted admirers, wore himself out at it. When he failed of a nomination, or when his nomination failed of an election, as so often happened, these admirers were amazed; they had expected him to sweep the country; they could not understand his failure; many of them were grief-stricken and cried like children.

It has been said of Webster that he never could attain the Presidency because he was all head and no heart. But there was Clay, the Mill Boy of the Slashes, Honest Harry, Harry of the West, Harry the Brave and the True, who notoriously reached their hearts and seemed to have them screaming for him as they screamed for Jackson, and yet he never got very much nearer the Presidency than Webster. Both of them the people seemed to think belonged in the Senate. In fact, Webster once said that the Senate was his natural home. Both of them were set aside for a Taylor, a Harrison, or a Jackson, so inferior to them in ability and statecraft, that the contrast was ludicrous.

James Russell Lowell, writing in the *Standard* at this time, ridiculed in his best strain of humor the deep disappointment Webster was generally believed to have felt at the loss of this nomination.

"Meanwhile the greatest mind of any age is sulking at Marshfield. It has had its rattle taken away from it. It has been told that nominations were not good for it. It has not been allowed to climb up the back of the Presidential chair. We have a fancy that a truly great mind can move the world as well from a three-legged stool in a garret as from the easiest cushion in the White House. Where the great mind is there is the President's house, whether at Wood's Holl or Washington." (Scudder, Life of Lowell, vol. i, p. 221.)

Very likely he was not quite as bitter about it as people supposed; and we have some evidence on this point from his farm superintendent at Marshfield, Porter Wright, who lived to be over ninety and with whom

Judge Aldrich, of New Hampshire, had several conversations which he has kindly given me an account of in a recent letter.

"He spoke of one time in particular of his [Webster's] coming out in the gray of the morning, filling his side pockets with ears of corn, with others under his arms, and starting at one end of the stable in front of the feeding place and passing out an ear to each ox as he came to him, holding it off, so that the ox would have to make a great effort to reach it, his manner being like the playfulness of youth. After passing the length of the long stable he turned to the farmer and said gravely, 'Well, Porter Wright, I have lost the Presidency. It, of course, is a great disappointment, and I suppose you have had your disappointments. We shall not be here very long and when we are gone they will say some good things of us and some bad things; but there is one thing they cannot fairly charge against us, they cannot say that we are late in getting up in the morning.'"

That year 1848 was a sad one for Webster. His son Edward, who had gone to the war, died in Mexico of typhoid fever, on the 23d of January. Still worse for him was the loss of his only daughter, Julia, who had married Mr. Appleton, and died of consumption on the 28th of April. Julia had been his particular delight, had designed his library at Marshfield, reminded him of her mother, and was much of a companion. Her lingering illness was very painful to him. Shortly after the deaths of these two children he collected some others of the family one day at Marshfield, and taking two young elm trees in his hands planted them on the lawn in front of the house, a memorial, he said, to the brother and the sister, and they are still growing there, one of the few distinctive characteristics of him that remain on the place.

This was the time of Kossuth, the Hungarian patriot, who in his country's cause dared to defy the power of Russia, and in the end sought asylum with the Sultan of Turkey, from whom the Emperor of Russia demanded him. Excitement, sympathy and indignation were aroused in the whole civilized world, and

as it was doubtful whether the Sultan would not surrender him, one of our war vessels brought him to America. It was an obvious occasion for Webster's oratory, and one of his speeches, especially one passage of it, at a great gathering in Boston, was long remembered.

"Gentlemen, there is something on earth greater than arbitrary or despotic powers. The lightning has its power, and the whirlwind has its power, and the earthquake has its power; but there is something among men more capable of shaking despotic thrones than lightning, whirlwind or earthquake, and that is the aroused and excited indignation of the whole civilized world. The Emperor of Russia is the supreme law-giver in his own realms, and, for aught I know, he is the executor of that law also. But thanks be to God, he is not the supreme law-giver and executor of international law, and every offence against that is an offence against the rights of the civilized world."

It was another fine specimen of his ability to call the powers of nature to the aid of his eloquence, and the Abolitionists used to remind him that they were "the excited indignation of the whole civilized world" and suggest that he join them or be dashed to pieces in their whirlwind.

But Kossuth and the Hungarians began to take on a troublesome form. Kossuth was an unexpectedly good orator in English. Extracts from his orations used to be recited by our schoolboys side by side with the orations of Webster; and some of us can still remember that stirring sentence, "It was not I who inspired the Hungarian people, it was the Hungarian people who inspired me." In short, he began to inspire the American people and seemed to be leading them to force their government to interfere in European politics contrary to our rule for such cases made and provided. The conservatives began to lean towards suppressing or checking him; and about that time Webster's friend, Mr. Colt, of New Jersey, gave him a Hungarian bull for Marshfield. The bull was somewhat of a white

elephant and Webster sent it up to his Elms Farm in New Hampshire, where one day it threw John Taylor on the ground, and was about to gore him to death, when that sturdy farmer got his fingers in its nose and held it till help arrived. He was badly injured and had to go to bed. Webster, arriving soon after, went in much anxiety to see his favorite man, who remarked that he nourished no enmity towards the bull, "but he is no more fit to be at large, sir, than Kossuth himself." It was the sort of thing that delighted Webster like the hits in politics Seth Peterson used to make; and ever since then the whole world has known what John Taylor said of Kossuth.

The plans of the Whig leaders in regard to General Taylor were justified by the success with which they met. He was elected in the autumn of 1848, principally, it is said, because the Free Soil candidates took so many votes from the Democrats that the electoral vote of New York went to the Whigs.

During the following winter and spring the great question of slavery in golden California and the vast deserts of the New Mexico region was the most absorbing subject in Congress. The southern Democrats pressed for recognition of their doctrine that a slaveholder of any State should have the right to carry his human property into any of the territories of the Union, and have it recognized there as property. The territories belonged to the whole Union, had been conquered by the blood and treasure of the whole Union, and as slavery was recognized and guaranteed by the Constitution, why should not the owner of slaves retain them if he migrated with them into a territory that was the common property of all the States? Some northerners were for settling the question by the Wilmot Proviso excluding slavery from all new territory. Others were for settling it by prolonging the Missouri Compromise westward, prohibiting slavery north of latitude 36° 30′ and allowing it south of that line.

Suddenly a great change came over the whole subject. The scattered people of the deserts of New Mexico assembled in convention and petitioned Congress to establish a territorial government over them excluding slavery. Calhoun denounced the petition as insolent. But there was still another surprise for him and his friends when evidence began to accumulate that from the nature of the soil and climate New Mexico would not produce cotton, rice, sugar, or tobacco, and was not at all fitted to make a profitable use of slave labor.

The greatest surprise of all came from California. Gold had been discovered there; immigrants had poured in; they met together in convention, formed themselves into a State with a Constitution expressly prohibiting slavery, and asked to be admitted into the Union as a free State.

All this changed the situation very considerably. The southerners were disappointed. It was not going to be so easy to make slavery national and freedom sectional as it had at first seemed. The North was correspondingly elated; and no longer so uneasy lest eight or ten slave States should be made from the conquered territory and upset more than ever the balance of power in Congress. California had declared for freedom, and any States formed out of the New Mexico region would also probably be free.

The slaveholding interest saw their doom and prepared for a fiercer struggle. The important thing to keep in mind in the history of this period for the next ten years is that the South grew steadily weaker and the North steadily stronger. At every turn of the situation the facts were usually against the South. In their desperation the South soon began those filibustering expeditions to encourage rebellion in Cuba, wrest it from Spain, and annex it as slave territory to the United States. They also looked towards securing the Sandwich Islands for the same purpose.

There was plenty of uneasiness on both sides; and in 1849 the whole question was quite evidently nearing a crisis. The Abolitionists had been gaining strength, organizing themselves into conventions and societies, and spreading throughout the North with alarming rapidity. The old argument, the stronghold of conservatives like Webster, that the Constitution guaranteed slavery in the South, that it was to be absolutely let alone, neither increased nor diminished, this agreement and understanding that had been faithfully kept by the North and had quieted the South for fifty years, was losing all its effect. The people were no longer standing in awe of it. The Abolitionists laughed at it. They boldly announced that they would wipe human slavery off the face of the earth, and if the American Constitution perished with it that would be the fault of the Constitution.

The most serious practical effect of their doctrines was that the people of many, if not most, of the northern States would no longer assist in returning escaped slaves to the South. They were more inclined to encourage them to escape. The slaves were concealed, fed, protected, and often passed on to Canada, where there was no question of their safety. Not only were the northern people unwilling to assist in executing the old fugitive slave laws enacted by Congress in 1793 to carry out the slavery guaranty of the Constitution, but the Legislatures of several States followed the lead of Massachusetts in passing acts making it a penal offence for any State officers or magistrates to assist in executing the fugitive slave laws of Congress.

As a matter of cold fact there were probably not as many instances of slaves escaping to the North and assisted in their escape as was supposed. If all the stories we read of the "underground railroad," the Abolitionist method of passing slaves to Canada, were true, Canada would be nearly half filled with a negro population. The instances of the return of slaves under

the fugitive laws of Congress had up to this time also been comparatively few. Webster made a special point of investigating through members of Congress the exact number returned, or attempted to be returned, from New England. No alleged fugitive slave, he found, had ever been seized in Maine, New Hampshire, Vermont, or Rhode Island. An attempt had been made to seize one in Connecticut, but the negro was discharged for want of proof. Several instances had occurred in Massachusetts, but the history of only one was known with certainty. There were, of course, instances of kidnapping or abducting of negroes by persons not professing to be claiming their own slaves under the laws of Congress; but the instances of legal enforcement of the fugitive slave laws were very few.[4]

As a matter of fact, when compared with the three million of them that remained in the South, the number of slaves that sought freedom in the North was not as many as we might suppose. This was true even in the Civil War when northern armies were invading the South. Their fidelity to their masters, their voluntary willingness to protect their master's property and his wife and children while the master himself was fighting in the Confederate army against negro freedom, is now one of the proudest boasts of the southern people; the proof, as they consider it, of their good treatment of their slaves.

Henry Clay was fond of telling of one of his household slaves, who had run away to the North, but becoming dissatisfied sent to her mistress for money that she might return to slavery. Clay emancipated his slaves at his death; but preferred to take care of them while he lived. To a Quaker Abolitionist who upbraided him he said:

"I have for many years owned a slave that I wished would leave me, but he will not. What my treatment of my slaves is you may learn from my man Charles, who accompanies me on

[4] Curtis, vol. ii, p. 425.

this journey, and who has travelled with me over the greater part of the United States and in both the Canadas, and has had a thousand opportunities, if he had chosen to embrace them, to leave me." (Rogers, True Henry Clay, pp. 155, 349.)

There were instances, of course, the other way. Slavery was an evil, and no one was more firmly convinced of that than Clay. But in his own State, Kentucky, slavery was said to be mildly administered.

The comparatively small number of instances of the enforcement of the fugitive slave laws and the small number of instances of escaping slaves, compared to the millions of them in the South, though important for us to consider in order to understand the question, were without a particle of weight or importance among the Abolitionists of the year 1850. It would have made no difference to them if there had been only one instance or no instance at all. They had become convinced and inspired by a moral principle, a moral idea one of the most arousing and ennobling that has ever come into the world. It was sweeping everything before it. England, France, even half-civilized Mexico, had freed their slaves. Was America to retain hers on the plea that the Constitution protected them? The Abolitionists had started out to destroy slavery and the whole principle and idea of slavery, and nothing would stop them. According to their statistics given by Theodore Parker in his Faneuil Hall speech of March 27, 1850, some 30,000 slaves had fled to the North; the North held $15,000,000 worth of them and Maryland and Delaware each lost $100,000 worth annually.

The southerners, on the other hand, were inspired by the idea of defending themselves and extending the area and the profitableness of slavery in cotton planting. The recent emancipation by England, France and Mexico had on them the opposite effect it had on the North. It aroused them to defend slavery and believe in it at every hazard. Cotton they believed was king and would become a greater king. It seemed profitable

already with only a small area of the South devoted to its culture. It was only just beginning to spread into the region of Alabama and Mississippi. What would be its power, not only in America, but in the financial world of Europe, when it was carried with the cheap labor of slaves into the vast regions of Texas, if not into New Mexico and California? This was the dream of the South, and it must be confessed it was a captivating one. Northern minds were carried away by it; and it would not be southern capital alone that would extend the cotton area southwestward through Mississippi to Louisiana and Texas.

For fifteen years afterwards in political cartoons and satires cotton was always represented as a King. The southern people fought the Civil War of 1861 on the faith that he was King; that his financial importance would sustain them in the contest more than all the ships, the mines, the factories, and the varied agriculture of the North; that the bankers, the capitalists, the business, the commerce of Europe were so dependent on cotton that when they found themselves deprived of it by the war, they would sustain the South and make her an independent confederacy for the sake of King Cotton. It was the utter failure of this exaggerated and mistaken financial supposition that brought on the final collapse of the southern confederacy.

But although a mistaken notion in the extreme sense in which the South relied upon it, there is no doubt that cotton raising was an industry of importance in the South, as it still is, and that with slave labor it seemed particularly profitable in new regions just reclaimed from wilderness or a semi-wilderness condition. There was a well-founded belief that as civilization closed up, slave labor became less and less profitable, until at last it would stand as a dead loss and the community would slowly grow poorer, values would shrink; and this condition is supposed to have already begun in the old parts of the South. But in the newer regions towards

the southwest the conditions were the reverse, seemed very favorable to slavery, and the prospects of profit and reward to men of energy and a little capital were very alluring. What could be more fascinating to a man of Anglo-Saxon blood than to buy a few slaves and set them to clearing some cheap wilderness land for cotton, while the owner enjoyed the field sports and outdoor life of the mild climate with abundance of game and the prospect of making a fortune. Thousands of plantations were being created in this way; and soon the sugar plantations, created in the same way by gangs of slaves felling the great forests of the Mississippi bottoms, began to creep up through Louisiana along the great river. It was a man's work, enterprising, grand; and the slaves themselves enjoyed it; there is no doubt of all that.

The southern people would tolerate no interference with this southwestward movement, no interference with King Cotton and his slaves in either the old or the new parts of the South. The comment and criticism, the assertion of moral superiority by the northern Abolitionists stung them to the quick. They began to resent almost everything that was not a laudation of slavery. From having been a community filled with emancipation societies, freely admitting the evils of slavery and talking continually of future emancipation a great deal more than the North, they now became the enemies of emancipation and freedom. As fast as the northern Abolitionists built up a greater mass of reasoning and eloquence against slavery than had ever before been heard of in the world, the southerners heaped up on their side a most unusual defence of slavery. They saw in it new beatitudes, merits and wonders of which they had been entirely unconscious fifty years before. "Slavery," said Calhoun, "has benefited all mankind; . . . has spread its fertilizing influences over all the world. The southern planter has been the tutor, the

friend as well as the master of the slave and has raised him up to civilization."[5] They began to prove that the condition and happiness of their slaves were far superior to the condition of the free laborers of the North. They retaliated upon New England by taking from every New England ship that came into a southern port the free black sailors and locking them up in prison until the ship departed; and this was done for the reason, they said, that the free blacks would contaminate the happy southern slaves.

As the Abolition movement in the North rapidly drew to its side religious sentiment, as the churches became the means of propagating Abolitionism, the southern people in their turn showed that slavery was justified by the Holy Scriptures; they showed it to be a humane and beneficent institution for the uplifting of African savages; a "great religious, social and moral blessing." The pulpits of the South became as ardent propagandists for servitude as the pulpits of the North for freedom; and if their measures for extending the area of slavery and making the slaveholding interest dominant failed, the South stood ready to fall back upon the doctrines of nullification and secession from the Union, which Hayne and Calhoun had been compelled to prepare and build up in anticipation of this crisis.

In order that the North might be freed from any obligation to enforce the fugitive slave laws of Congress specious theories were invented by the Abolitionists and their lawyers that the guaranteed protection of slavery in the Constitution was not a part of the instrument, but a mere understanding or compact added on, and as it was an immoral compact, the party who regarded it as immoral could withdraw from its performance and leave the other party to any remedy he could find. Another theory was that the guaranty in the Constitution had been intended to rest entirely on the individual States

[5] Wilson's Slave Power in America.

to carry out, and the fugitive slave acts of Congress were therefore unconstitutional and void. But the principal feeling that the Abolitionists worked most successfully with was that "the higher law," as it was called, the law of God, the law above all codes and constitutions, forbids the surrender of a fugitive slave. On this broad theme there were no limits to the eloquence of the Phillipses, the Giddingses, the Garrisons, the Whittiers, the Sewards, the Wilmots, and the Sumners, not to mention the Lowells, the Longfellows, and the Emersons. High-spirited, unselfish, devoted men they were. Their cause, their purpose were ennobling, but their methods, their disunionism were violent, reckless and extreme; and they had to be held within the traces by men of the stamp of Clay, Webster and Lincoln, who in the end held them in check until emancipation could be accomplished and at the same time the Union saved.

XVIII

THE SEVENTH OF MARCH SPEECH AND ITS CONSEQUENCES

In the session of Congress of the winter of 1849–50 the whole question of slavery came up for debate. No one could think much of anything else, hardly any other business was done; and even the annual appropriation bill was negelcted. The South felt that it must win; must extend the area of slavery rather than leave it as it was. Above all it must not go backward. That would mean defeat and ruin if the North could once start the South on a retreat.

The extension of the Missouri Compromise line of latitude 36° 30′ to the Pacific, allowing slavery below it and prohibiting it above, would not satisfy the Abolitionists and radical Whigs. They insisted on excluding slavery forever from the territories by the Wilmot Proviso, that is, by a formal positive enactment like the old ordinance of 1787 for the government of the Northwest Territory, which excluded slavery, and they were for forcing such a proviso through as a settlement of the question and a stop to all further increase of the slaveholding power. The South was violently opposed to the Wilmot Proviso, and regarded it, if passed, as a direct defiance and insult to them and a sufficient justification for seceding from the Union. It would be the last straw, they said. They were simply waiting to see if it would be done; and if it were done, out of the Union they would go, no matter what the consequences. They were not only against the passage of the Wilmot Proviso, but they wanted a distinct recognition by Congress of a constitutional right in the southern people to carry their slaves into territories which were the common property of the Union. One side

wanted slavery excluded forever from the territories; the other wanted it permanently permitted there.

In this predicament Henry Clay, seventy-two years old, his superb vigor shattered to feebleness and slowly dying, came forward with the last of his great compromise measures, those measures which he had such remarkable genius for carrying through against all objections and difficulties.

His plan now was to avoid all positive or sweeping measures like the Wilmot Proviso, or any measure that would give offence to the South. At the same time he intended to prevent the extreme southerners from pressing their idea of a distinct recognition of a constitutional right to carry slaves into the territories. Webster had also reached this conclusion. Clay set forth his compromise in eight resolutions:

1. To admit California as a State without any condition for or against slavery. This was on the side of the North; for there was every probability that slavery would never be introduced by the Californians, and they had already prohibited it by their constitution.

2. To establish territorial government in the rest of the region conquered from Mexico without any provision for or against slavery. This referred to the region called New Mexico, including the present Arizona, Utah, New Mexico, Nevada, Colorado and part of Wyoming. It was almost tantamount to dedicating that region to freedom because slavery would not be profitable there and presumably would not be adopted. Thus the first and second resolutions were intended to accomplish for the North about all that would be accomplished by the Wilmot Proviso and at the same time avoid offending the South by passing that very bluntly worded proviso which professed to settle the question against the South positively and forever.

3. The western boundary of Texas to be fixed so as to give up to New Mexico a larger share of land than Texas seemed willing to allow. This was a serious point. Texas claimed nearly the whole of New Mexico and was believed ready to march her troops into it to take possession and dedicate it to slavery. A conflict with the United States troops in New Mexico would have followed and this bloodshed, it was believed, would precipitate civil war between North and South.

4. That in consideration of Texas relinquishing her claim to part of New Mexico the United States should pay that part of the public debt of Texas which had been contracted before annexation. The claim of Texas to part of New Mexico was a difficulty which prevented the settlement of the larger question; and this fourth resolution, with the third, was intended to dispose of the boundary dispute and give as much territory to New Mexico and, therefore, as much to freedom as possible.

5. Slavery in the District of Columbia to be left undisturbed until both Maryland and the people of the District were willing to have it abolished and then the owners of the slaves to be compensated. The Abolitionists, and many who were not Abolitionists, had been denouncing slavery at the seat of government as a national disgrace, and had been insistent for its abolition. Even some southerners who considered slavery a necessity, believed that the selling and trading in slaves at the seat of government was scandalous. Other southerners regarded the abolition of slavery in the District as an insult and a weakening of their cause. This fifth resolution gave the Abolitionists some hope and made no immediate change in slavery in the District.

6. Trade in slaves brought to the District of Columbia for that purpose to be prohibited. This, it was supposed, would gradually abolish slavery in the District.

7. Better laws for the return of fugitive slaves. This was in some respects the most vital part of the compromise.

8. Congress to be declared to have no authority over the trade in slaves between States in which slavery was established by law.

Such, in brief, was the famous measure which has passed into history as the Omnibus Bill or Compromise Act of 1850. It was ingenious, practical. It gave everybody something. What it gave the Abolitionists, the extremists among them rejected with contempt; but it was more than they had ever had before. To a vast number of conservative people throughout the country, both Whigs and Democrats, the sort of people who had, on previous occasions, inclined towards Clay's ideas, and made him popular and successful, to these people the compromise was eminently satisfactory and seemed statesmanlike and wise.

On a winter evening of weather hardly fit for Clay to go out, he came to Webster's house to submit to him the compromise plan and obtain his support. It

was a strange and pathetic meeting. The two men, giants of intellect in their way, had in their early days been on familiar terms, and some very friendly letters from Clay are to be found among Webster's papers. Their ambition for the Presidency and the Compromise of 1833 had caused some estrangement, and Clay had taken part with the Whigs who denounced Webster for remaining in Tyler's cabinet. But all hopes of the Presidency were now gone from Clay's life. He seemed feeble, had a bad cough, and became quite exhausted in explaining his plan which he intended shortly to lay before the Senate. Webster was deeply touched, and when his visitor had gone, spoke of him with great kindness. He agreed in substance with the plan; and spoke of its author's purpose as noble and highly patriotic; "that perhaps Providence had designed the return of Mr. Clay to the Senate to afford the means and the way of averting a great evil from our country." [1]

This was a turning point, a strange turning point, in Webster's career, just at its close, when he had only two more years to live. So far as he was concerned, the plan was a very dangerous one. A large portion of his Massachusetts constituents were ardent, not to say fanatical, advocates of the Wilmot Proviso. They had decided that there should be no more compromises with slavery and they looked upon Clay's plan very much as some of them regarded the Constitution,—"a covenant with death and a league with hell."

Independently of their numbers, many of them were men of such high talents, such masters of language, poets, orators, preachers, wits, essayists, Longfellow, Theodore Parker, Wendell Phillips, Whittier, Sumner, Lowell, in fact, almost the whole galaxy of the famous New England literary men and pulpit orators of that century, then just reaching the maturity of their powers,

[1] Curtis, vol. ii, p. 397.

that they were able to fix upon Webster's reputation a stigma from which it has not yet recovered.

To have the whole literary talent against one was certainly a heavy load for any reputation to bear. Webster was perhaps unable to realize how severe it would be in the future. He could hardly have foreseen that even the modern Republican party would largely accept the Abolitionist opinion of him. He had the support of the commercial classes. The merchants, bankers and business men were largely in favor of compromise; but they had no orators or eminent writers to speak for them; and the Abolitionist element was so strong in this respect that in later times they were able to lead many people to believe that Webster had no support at all.

He foresaw a great deal of this and knew what he was doing. He would, he said, devote himself to the cause of Clay's compromise in the Senate, "no matter what might befall himself at the North." The Wilmot Proviso, he said, should be no shibboleth for him. He would not assist to extend slavery into the territories; but if New Mexico were let alone she would not have slavery any more than California; that it was useless and worse than useless to arouse, insult and irritate the South by interdicting slavery in a region where it could not exist.

On the 29th of January, 1850, eight days after his interview with Webster, Henry Clay offered in the Senate his compromise resolutions and supported them in a most interesting and tactful speech. He hit slavery so hard once or twice, calling some phases of it an abomination, that southern members reminded him that he came from a slave State and the consequences. To which he replied that he would attend to his own consequences and leave them to attend to theirs. The debate, with varying phases of excitement and violence, lasted for eight months. The Constitution of California was submitted and various other proposals relating to

slavery. During February Webster took no part in the debate. He evidently listened and pondered profoundly, revolving in his mind the interminable intricacies and details of the problem that in a few years would shake the nation to its foundations. The speeches were violent and fierce. Dissolution of the Union was talked of and threatened on all sides; and hundreds of thousands of people throughout the country believed it imminent and were inclined more and more to Clay's ideas of compromise. Webster received many letters describing the danger to the Union and calling on him to save it.

There was now a party in the North in favor of dissolution headed by the extreme Abolitionists of Ohio and Massachusetts. At a meeting in Faneuil Hall, in Boston, in January, they resolved "That we seek a dissolution of the Union." . . . "We do hereby declare ourselves the enemies of the Constitution, Union and Government of the United States, and the friends of the new confederacy of States, where there shall be no union with slaveholders." Horace Mann declared that disunion and civil war, even a servile war, would be better than any extension of slavery.[2] Extremes were meeting. The extreme advocates of slavery and the extreme opponents of slavery were both preparing to leave the Union; each declaring that it was the only remedy for their complaint; and soon the news came that the southern extremists were sending delegates to a secession convention at Nashville in Tennessee.

Webster had always been slow to believe in any immediate dissolution of the Union. He had opposed Clay's compromise to save the Union from the threatened rebellion of South Carolina in 1833, declaring such a compromise unnecessary; and so now in the early part of February, 1850, in spite of the violent language

[2] Appendix to Congressional Globe, vol. xxii, Part I, p. 260.

all round him, and although he favored Clay's compromise plan and saw great danger to the Union in the future from slavery, he was, nevertheless, not inclined to believe that there would be any immediate overt attempt to break up the Union.

"All this agitation," he writes on January 13th, "I think will subside. . . . The Union is not in danger. . . .

"I do not propose to take part, at present, in the fiery discussion of these topics; but if anything is proposed to *be done*, by way of attempting to carry evil purposes into effect, I shall have something to say." (Works, National Edition, vol. xvi, p. 530.)

About a week after the above letter Clay visited him and submitted his compromise plan, which Webster approved of in substance. On the 29th of January the plan was introduced in the Senate by Clay, and on February 13th and 14th we find Webster writing: "California will come in; New Mexico will be postponed; no bones will be broken."

The increasing violence was bringing intimations and letters that real danger of open secession in the South was approaching, but still he replies that he does "not partake in any degree in those apprehensions." On the 24th, however, he had begun to change his opinion. "I am nearly broken down," he writes, "with labor and anxiety. I know not how to meet the present emergency, or with what weapons to beat down the northern and southern follies now raging in equal extremes." [3]

Soon after that he must have gone over entirely to the opinion of imminent danger, believed that the secession convention in Tennessee was no idle parade, and that six or seven southern States were prepared to secede. Those States had all passed secession resolutions. If only one had passed secession resolutions as in 1833, it would be a trifle; but seven made it serious.

[3] Works, National Edition, vol. xvi, pp. 532, 533.

The foregoing quotations are given because of the charge afterwards made by the Abolitionists that he intended at first to "come out for freedom," as they called it. That is, oppose Clay's compromise, repudiate the agreement with Texas, refuse to pass a new fugitive slave law, declare slavery prohibited forever in all new territory, set the South at defiance, and let her do her worst in going out of the Union, in the conviction that she either would not dare go out, or if she did go out, would find it impossible to maintain slavery alone in the face of the whole civilized world and would soon petition to come back into the Union without slavery. From this Abolitionist position, they say, Webster suddenly changed to a supporter of slavery for the sake of winning southern votes for the Presidency.

I do not think that the letters show any such motive. They merely show him considering the subject, as was his usual custom, waiting, watching events and opinions. As to his intending to deliver an Abolitionist or Free Soil speech, that would have been such a reversion of his whole past and of all his opinions as we know them, that it is impossible to suppose it, and it would require overwhelming evidence to prove it. He approved in substance Clay's compromise plan from the beginning, that is, from January 21st, when Clay first consulted him about it, and subsequent events confirmed him more and more in approval of it.

The Abolitionists professed to have proof of his sudden change from Abolitionism to compromise, but they never produced it. Theodore Parker, in his two addresses on the subject, said that he had seen letters, or that his friends had letters proving it, but the letters were never produced. Joshua Giddings said that he talked with Webster on the subject and understood from him that he was meditating a strong anti-slavery speech, and that other Abolitionists and Free Soilers got the same impression, and that he submitted a skeleton of his speech to the leaders of the Free Soil party.

Very likely Mr. Giddings and others understood Webster to say what they wanted and hoped to have him say; but that amounts to nothing as proof or evidence.[4]

It is important to note in this connection that Webster believed that a civil war, consequent upon an attempt to secede and break up the Union, would not abolish slavery. He opposed emphatically the opinion of the Abolitionists that by such a convulsion the cause of emancipation would be promoted. "In my judgment," he wrote Dr. Furness, "confusion, conflict, embittered controversy, violence, bloodshed and civil war, would only rivet the chains of slavery the more strongly."

The guess of the Abolitionists that a civil war would abolish slavery turned out to be correct as to the Civil War some ten or fifteen years later. Whether it would have been correct for a civil war in 1850 is another question. We must also remember that Webster's opinion was shared in 1850 by an immense number of the steadiest and most conservative people of the North; they did not believe that the Union would survive a civil war; a dissolution of the Union meant to them the permanent establishment of slavery in the South; and civil war as a protection to slavery may be said to have been the faith and hope of the South at that time.

There were few minds bold enough in 1850, or, as would have been said at that time, insane enough, to entertain the double thought that in a civil war the Union could be saved and slavery abolished. That was an ideal of a dozen years later, when Lincoln stood upon the principle of three ideas—"the Constitution, the Union, and the freedom of mankind." That was Webster's ideal also; but in 1850 he believed a civil war would shatter it. Under the conditions of 1850 he believed that the Constitution and the Union could be saved for the time being only by a compromise, leaving

[4] Wilson, Rise of the Slave Power, vol. ii, p. 242; Rhodes, History of the United States, vol. i, pp. 148, 149.

the freedom of mankind to be worked out gradually by some form of emancipation. He believed that free labor would ultimately prevail throughout the country, including the South, as it had in New England and the Middle States.[5] If he had thought all three ideas could have been accomplished by civil war, he might have been willing to accept civil war at once. His opinion was that of millions of conservatives North and South.

By the end of February, having listened to two months of debate, he decided that the time for the statement of his own opinions had come, and on the 7th of March he delivered to crowded galleries the speech which has always been known by that date. He himself preferred to call it "The Constitution and the Union." It was merely in recommendation of the Clay compromise resolutions; but so comprehensive were its statements, so vivid and powerful its arguments, that Clay's reasoning in support of his own measure was forgotten and the heaviest part of the abuse and unpopularity for a compromise with the slave power fell upon Webster instead of upon Clay, the originator of the measure.

It is probable that no speech Webster ever made in the Senate, perhaps not even the reply to Calhoun, was thought out so thoroughly, and with such complete preparation. Seventeen pages of notes were found among his papers. But the notes he used in speaking were all on two small scraps of paper. He had it so well in hand that he hardly needed notes in speaking. The whole of it had evidently been revolved over and over again in that powerful mind and memory, until the delivery of it was a mere recital.

It is for that reason, perhaps, that it is so clear and easy to read. There is scarcely a dull or dry line in it. Though nearly forty pages of print, we seem to read it through in an instant. There are no wonderful

[5] Edward Everett, Orations and Speeches, vol. iv, p. 225.

Courtesy of the S. S. McClure Company

WEBSTER AT THE TIME OF THE 7TH OF MARCH SPEECH
(From a Daguerreotype)

passages to quote like those of some of his former famous speeches. It is more the simplicity, the brevity and directness of an older man who has passed beyond the exuberances of youth. In this respect it is curiously like Clay's speech in support of the compromise. Both men used very much the same arguments; but Webster touched his with such fire of genius in expression that they live and Clay's are forgotten.

Everybody except the Abolitionists seems to have admitted that the delivery of the speech was most remarkable and impressive. General Lyman, who was present, says that though Webster spoke for three hours, he never looked at his notes except to take from them copies of resolutions or quotations; never hesitated for a word or a phrase, or changed the form of a sentence; the speech rolled out like a mighty river. The audience as usual was spellbound into perfect stillness. "Not a sound—not even the falling of a pin—broke the stillness between his sentences."

The only conspicuous change noticeable in him seems to have been that his eyesight would no longer readily accommodate itself to short distances in reading quotations from books and papers or else he wanted to save his strength; for he handed these quotations to Senator Greene, near him, who read them aloud to the audience. Senator Hoar, in his autobiography, says that Webster at this time of his life had become excessively slow and deliberate in speaking; and he mentions another instance in which his quotations were read for him, apparently, Hoar thinks, to husband his strength.

There was an Indiana Abolitionist, a member of Congress, G. W. Julian, who says he was present at the Seventh of March Speech and that it was a failure in delivery as well as in other respects.

"He not only spoke with very unusual deliberation, but with pauses having no relation whatever to the sense. His sentences were broken into the oddest fragments, and the hearer was perplexed in the endeavor to gather his meaning.

In declaring, for example, that he 'would put in no Wilmot Proviso for the purpose of a taunt,' etc., he made a long pause at 'Wilmot,' perhaps half a minute, and, finally, having apparently recovered his breath, added the word 'proviso'; and then, after another considerable pause, went on with his sentence. His speaking seemed painfully laborious. Great drops of perspiration stood upon his forehead and face, notwithstanding the slowness of his utterance, suggesting, as a possible explanation, a very recent and heavy dinner, or a greatly troubled conscience over his final act of apostasy from his early New England faith. The latter was probably the truth, since he is known to have long and seriously pondered the question of his ultimate decision; and with his naturally great and noble traits of character he could not have announced it without manifest tokens of uneasiness." (G. W. Julian, Political Recollections, p. 86.)

Although without the exuberantly eloquent passages of the Reply to Hayne, this speech is the most classic one Webster ever delivered, the most perfect in taste, the farthest removed from the spread-eagle oratory of his young days, which he regretted and of which, as we have seen, he was always trying to cure himself. The effort and the cure went steadily on until they culminated in this speech. In these respects it is the speech which, perhaps, places him closest to the older orators of the world. Even Whittier, who detested and attacked the arguments of the speech, admitted its beauty and power. "My admiration," he said, "of the personality and intellectual power of the great Senator was never stronger than when I laid down his speech, and in one of the saddest moments of my life, penned my protest."

The crowd had gathered that day, emptying the House of Representatives, filling the galleries and all the standing room in the Senate hall, and extending far out into the corridors, because they had heard that Webster was to speak. In fact, in anticipation of the event, people had been travelling to Washington from all over the country for several days. Chairs, sofas, temporary seats made of public documents piled one upon another, were crowded into every available corner.

Senators gave up their seats to ladies and stood in the aisles. Senator Walker, of Wisconsin, and young Seward, of New York, were entitled to the floor; but seeing the enormous crowd, Senator Walker, when he rose to speak, said that such a vast audience had not come to hear him. There was but one man who could assemble such an audience and he and Seward yielded the floor to him.

Seward, who thus yielded his privilege, had been Governor of New York, was an ardent young Free Soiler, and the same Seward who played such a distinguished part in taking the country through the Civil War. In fact, the crowd that listened to Webster that day was a strange mixture of the men of the past and of the future, of intellect and statesmanship proved and tried, and of intellect and statesmanship that was to be.

Calhoun dragged himself from a sick-bed to hear Webster, and in a few ~~months~~ weeks was dead. Clay almost equally feeble was standing by his guns to the last. Two years afterwards he and Webster were both dead. Old Benton was also there, recently rejected by Missouri because he would not accept her instructions on slavery, and soon to disappear from the Senate. Those were of the past and a grand past they had made it.

Listening to Webster either as Senators or members of the Lower House were Hale, of New Hampshire, and Bell, of Tennessee, both afterwards Presidential candidates. Tom Corwin and Salmon P. Chase, of Ohio, were also there to hear the speech. Jefferson Davis, of Mississippi; Stephen A. Douglas, soon to become the rival of Lincoln; Horace Mann, of Massachusetts; Thaddeus Stevens and Josiah R. Giddings, of Pennsylvania; Robert Toombs, of Georgia, and Andrew Johnson, of Tennessee, with a dozen or more others very prominent in the Civil War and now forgotten, sat there and listened.

So the past and the future were listening with all their ears to this speech, which was a great landmark

of the time. The past was experienced, comprehensive, cautious, conservative. The future was enthusiastic, brilliant, reckless and daring.

Webster rose in his usual cool and indifferent way, passed his hand over his brow, surveyed his hearers with that master eye, thanked the gentlemen who had given him the floor, and then spoke that exordium which has always been considered so beautiful and which was quoted more in full in the second chapter.

"I wish to speak to-day not as a Massachusetts man, nor as a northern man, but as an American and a member of the Senate of the United States. . . . The imprisoned winds are let loose. The East, the North, and the stormy South combine to throw the whole sea into commotion, to toss its billows to the sky, and disclose its profoundest depths. . . . I have a part to act, not for my own security, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole, and the preservation of all; and there is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear, or shall not appear for many days. I speak to-day for the preservation of the Union. 'Hear me for my cause.' I speak to-day out of a solicitous and anxious heart, for the restoration to the country of that quiet and that harmony, which make the blessings of this Union so rich and dear to us all."

He had supposed, Lyman tells us, that he would not begin his speech until about 2 o'clock in the afternoon, and had intended to occupy the rest of the day until the usual hour of adjournment and finish the next morning. But when Senator Walker gave him the floor so early, he decided to curtail his speech to what could be gone over that morning. By this arrangement he omitted several topics he intended to discuss; and, indeed, his speech impresses one as rather shorter than was his custom.

When we come to analyze the speech we find that most of it is merely a very complete statement of the history of the subject already given; and its accuracy has never been successfully assailed. As one of the

present generation reads on and on, he wonders where are all the terrible crimes and offences of which the Abolitionists accused him. Their charges when boiled down and stripped of their verbiage amounted to only three. He would not apply the Wilmot Proviso to new territory incapable by its climate and geography of maintaining slavery. He would stand by the original Congressional pledge that four slave States might be made out of Texas if the people of such States wished for slavery. He would pass a more effective fugitive slave law to fulfil the guaranty of the Constitution.

On the first point he simply enlarged on the fact, which remained a fact, that slavery was so unsuited to the deserts and mountains then called New Mexico, that it would never be established there. It was excluded by "the law of nature," he said, "by physical geography, the law of the formation of the earth. That law settles forever, with a strength beyond all terms of human enactment, that slavery cannot exist in California and New Mexico." It is no more necessary to protect the deserts of New Mexico from slavery than it is necessary "to protect the everlasting snows of Canada from the foot of slavery by the overspreading wing of an act of Congress." Why should anyone want "to reaffirm an ordinance of nature or to re-enact the will of God?"

> "I would put in no Wilmot Proviso for the mere purpose of a taunt or a reproach. I would put into it no evidence of the votes of superior power exercised for no purpose but to wound the pride, whether a just and a rational pride or an irrational pride, of the citizens of the southern States."

The Abolitionists attacked him heavily on this point. The Wilmot Proviso, absolute prohibition of slavery in the territory, was their test, their lineup to which every one must come. He was, they said, deliberately letting slavery into those regions. Slavery had existed there under Mexican rule; it would go there again.

Although neither rice, cotton, sugar cane nor tobacco would grow there, yet slaves would be taken there to work the valuable mines; it was the latitude of slavery; southerners had boasted that slavery would be profitable there; and Theodore Parker in his Faneuil Hall speech exhibited a printed advertisement circulated in Mississippi of a southern slave colony to go to California. But the evidence on the other side was stronger. Mexico had found slavery of so little profit in those regions that she had had no difficulty in abolishing it; travellers nearly all agreed in reporting the country unfit for slavery; the representative of New Mexico at Washington said the region was unfit for slavery; as a matter of fact, California had prohibited slavery by her Constitution with southerners in her convention voting in favor of the prohibition, and within a little more than a month Webster was supported in all he had said by New Mexico, in accordance with her petition, adopting of her own accord a constitution prohibiting slavery.

The bargain or compromise with the South on this point was a particularly fair one. The South had insisted that there should be a declaration that Congress had no power to prohibit slavery in the territories, and that as the territories were the common property of the whole Union, southerners had the right to go there with their slaves. Violent speeches to this effect were constantly being made in Congress. Equally violent speeches were made by Free Soilers and Abolitionists that Congress had the right to prohibit slavery in the territories; that it was a national disgrace not to do so; and that it must be done even if it split the Union in two. "Very well," said the southerners, "if you do it we will split the Union in two." Clay and Webster, therefore, said to the southerners, "If you will refrain from insisting on a declaration that Congress has no power over slavery in the territories, we will refrain from passing any Wilmot Provisos and will

leave the question of slavery in the territories to be settled by those communities themselves in their own way, according to the principles of State rights doctrine."

As to the four slave States that might be admitted from Texas, Webster simply read the agreement between Congress and Texas when Texas was admitted to the Union, that in consideration of Texas agreeing that any States formed out of her territory north of latitude 36° 30′ should be free States, the Congress agreed that four slave States could be formed out of her territory south of that line if such States applying for admission wished to have slavery.

That, said Webster, was a contract, a pledge, a solemn engagement; passed in Congress by northern as well as by southern votes. Without the northern votes it could not have been passed; and there was no way, all the Abolition seceders in the world to the contrary notwithstanding, "by which the government acting in good faith could relieve itself from that pledge by any honorable course of legislation whatever." Pledges of this sort had always been sacredly kept by both North and South for fifty years.

His opponents professed to have a way of wriggling out of the pledge, and Theodore Parker and Seward set forth the metaphysics of it in a way which would have interested poor Calhoun if he had been well and strong enough to comprehend their subtlety. What they said was in effect that Congress was not really obliged to admit any States at all from Texas; the pledge did not say that Congress must admit such States. Congress could always exercise its right of rejecting a State; could, in slang phrase, lie down and do nothing. No one, of course, denied this. But if Congress did decide to admit a State from Texas and the State offered itself with slavery, Congress, under the pledge, must admit it with slavery or reject it altogether. In short, the pledge was a pledge, and the objection of the

Abolitionists and Free Soilers to Webster was principally that he had called attention to it, and frankly admitted its force, instead of ignoring or minimizing it, or wriggling out of it, as they were doing. Any modern person at all familiar with Webster's mental habits and methods who will take the trouble to read Parker's address and Seward's 11th of March speech in the Senate will see at once that to expect Webster to take part in such wriggling was altogether out of the question.

As to the necessity for a new fugitive slave law Webster simply recited in his expressive way the admitted facts of the subject, that the Constitution had guaranteed slavery in the southern States, that it had guaranteed that escaping slaves should be returned, that Congress had in 1793 passed a fugitive slave act, that the Supreme Court had held that it was the duty of the general government and not of the individual States to return fugitives, that the northern States would not assist in returning them, and, therefore, as the fugitive slave act of Congress of 1793 was not working satisfactorily a more efficient one should be passed to satisfy the requirements of the Constitution and of the South. That article of the Constitution was as binding in law, conscience and honor as any other article. His opponents never denied that this position was sound in law and fact. They said, however, that it was disgraceful of him to say so and call attention to the unfortunate binding character of the Constitution in this respect when they had decided to ignore it and by agitation and aroused public feeling prevent the enforcement of that part of the Constitution and make it practically impossible for any fugitive slave to be returned, at least from New England.

The effect of the speech was stupendous and almost equalled that of the Reply to Hayne. Indeed it has sometimes been said that it exceeded in its effects the Reply to Hayne. The conservatives all over the coun-

try, including at that time a large majority of the people, were filled with the most unbounded admiration for it. "Letters," Webster writes, "come in thick and all one way." They kept pouring in on him for six months, and often twenty a day. The clamor for copies was incredible; and "two hundred thousand," he said, "would not supply the demand." He appears to have kept printing them until he could afford the expense no longer, and had to leave it to be taken up by others.[6]

Nevertheless, the Compromise measure hung fire for nearly seven months, was debated through the hot summer, and not finally passed in all the details of the various bills included in it by a combination of northern and southern, Whig and Democrat conservative votes until the 30th of September. Webster made several minor speeches in that time, urging the speedy passage of the measure so that the ordinary business of Congress, the appropriation bills and legislation absolutely essential for keeping the government alive, might be passed.

In the midst of the worst part of the struggle in July President Taylor died. His death was a fortunate circumstance for the compromise, because he and his immediate followers and friends had been opposed to the measure and would have continued to throw the weight of executive influence against it. President Taylor's plan was to admit California as a State with her free Constitution and do nothing about the New Mexican territory; leave it to become States hereafter. This would, he thought, avoid voting either way on the Wilmot Proviso; and if the Texans invaded New Mexico, to take possession of it for slavery, the United States troops would easily repulse them. That this bloodshed might precipitate a civil war with the South and cause secession and a dissolution of the Union he would not admit.

[6] Works, National Edition, vol. xvi, pp. 535, 567.

The Vice-President, Mr. Fillmore, who now became President, was a conservative Whig, of the same opinions as Webster, friendly to the compromise, and he immediately made Webster his Secretary of State. The whole administration influence was now turned to the side of compromise, and materially assisted in its final success. It was a hard struggle in Washington during that hot summer, beating off the "theoretic fanatical and fantastical Abolitionists," persuading the Union lovers of the South to unite with the Union lovers of the North and quieting the fiery southern disunionist as fanatical and fantastical as the northern abolition extremist at whom he was forever shaking his fist. Northern Abolitionists and Free Soilers and southern disunionists, said Webster, "are the most reckless men, I think, I ever met with in public life." He was still a strong man to endure such work in midsummer at sixty-eight years of age; twenty letters a day besides his official correspondence and seeing all sorts of politicians; his eyes inflamed and weak with his annual depressing hay fever; and not unlikely the beginning of the final disease of the liver. "My general health is quite good," he writes, "or else I could not live under this load." [7]

An important element in the final success, in Webster's opinion, was the election to Congress of Mr. Samuel Eliot, of Boston, to take the place of Mr. Robert Winthrop, who was to take the remainder of Webster's term in the Senate. Webster had stood so entirely alone among the Massachusetts representatives in Washington in his advocacy of the compromise, that most persons, he says, thought that he had simply ruined himself with his constituency and would no longer have any political standing. Prominent southern leaders, who wanted to avoid a crisis and have the compromise plan adopted, feared that the opposition

[7] Works, National Edition, vol. xvi, pp. 566, 567.

of Boston and Massachusetts would prevent the plan from being carried out; that Webster's influence alone would not be enough. The remarkable ability of the Abolitionists, as writers and orators, caused this misapprehension. They so filled the public eye and ear with their arguments that people naturally believed that there was no one else in Massachusetts. But when it came to actual voting it was found that Samuel Eliot, the compromise candidate, overwhelmingly defeated the Free Soil candidate, Charles Sumner. Eliot came to Washington outspoken and eloquent in favor of compromise, and the southern leaders, Webster tells us, at once became more hopeful of success and accepted the compromise. "From the commencement of the government," says Webster, "no such consequences have attended any single election as those that flowed from Mr. Eliot's election."[8]

The strong majority feeling in Massachusetts in favor of the compromise, in spite of the efforts of the Abolitionists to make appearances look the other way, is frankly admitted by Theodore Parker in a characteristic passage:

> "You know the indignation men felt, the sorrow, the anguish. I think not a hundred prominent men in all New England acceded to the speech. But such was the power of that gigantic intellect, that eighteen days after his speech nine hundred and eighty-seven men of Boston sent him a letter, telling him that he had 'pointed out' the path of duty, convinced the understanding and touched the conscience of a nation." (Discourse on Death of Daniel Webster, p. 54.)

Of those nine hundred and eighty-seven signers there were lawyers like Rufus Choate and B. R. Curtis, numerous men of business and commerce, and Prescott, the historian, almost the only one of the eminent literary men of Massachusetts who favored the compro-

[8] Curtis, vol. ii, p. 474. Longfellow, a Free Soiler and Abolitionist, records Eliot at this time as a "dark disgrace" to Boston. (Longfellow, Journal, vol. ii, p. 177.)

mise. From other neighboring towns there were similar tokens of approval; and in the country at large the approval was enormous and upheld the compromise for nearly a decade. In fact the Abolitionists and Free Soilers were bowled out by the speech of one man; and their historians hardly know what to say about it. On one page they say he stood alone in disgrace; the whole North was against him; and on the next page they complain that he had nearly ruined the cause of freedom, and rallied to the compromise all the Hunkers, rascals, conservatives and mossbacks of the whole country.

So the great measure went slowly through its stages with its mission of peace, for awhile at least; and in the middle of September Webster reports "a great change in men's feelings here in favor of conciliation and harmony and peace. Men are a great deal happier than they were six months ago, and crimination and recrimination are no longer the order of the day." [9]

It was a great, a momentous event, the compromise of 1850; a wonderful instance of that peculiar talent of Henry Clay which was the genius and tact of the diplomatist, the shrewdness of the ordinary State politician, the foresight of the statesman and the persuasive power of the orator. It is hard to conceive of anyone else at that time who could originate a plan which so skilfully played back and forth between violent conflicting interests and who was at the same time so pre-eminently able to touch all the Congressional strings that were so important. Webster could advocate it in a speech which brought the country at large to its support and which drew attention to himself. But it is doubtful if Webster would have been willing to master the tiresome details by which Clay engineered it in Congress.

The conservative people of both parties all over the

[9] Works, National Edition, vol. xvi, p. 567.

country, whose support and influence had carried the compromise, believed in it because it was acceptable to the South, had stopped the spread of slavery and of the slave power for the time being, and had prevented civil war and a break-up of the Union. The status of all American territory with regard to slavery was now, they believed, fixed; and some were inclined to think permanently fixed (1) by the agreement annexing Texas which allowed four States to be admitted from that region south of the Missouri Compromise line of 36° 30′, with or without slavery, as the people of each State might desire; (2) by the admission of California as a free State and the organization of the territories of Utah and New Mexico without any provision for or against slavery; (3) by the original Missouri Compromise forbidding slavery north of 36° 30′ north latitude; (4) by excluding the slave trade from the District of Columbia; (5) by a new act for the return of fugitive slaves.

Those who thought the compromise permanent were of course mistaken; for the duration of the plan depended upon acts of Congress which might be repealed by any subsequent Congress. It was not an amendment to the Constitution. But it was as permanent as anything of the kind, any act of Congress could have been at that time. It was as permanent as anything the Free Soilers would have done; for if they had applied their favorite Wilmot Proviso to the territories they would have done it by a mere act of Congress which might be repealed at any time.

Webster believed that the compromise had put down disunion "at least for the present, and I hope for a long time."[10] But even if he and Clay had known that the compromise would last only ten years, they would have gone on with it all the same. Under the circumstances of the time temporary postponement

[10] Works, National Edition, vol. xvi, p. 568.

of the crisis, even for the shortest time, was vitally important.

As a matter of fact, the Missouri Compromise itself, the most stable as was supposed of all, was some years afterwards repealed, and Kansas thrown open to competition for slavery, an event which had much to do with bringing on the Civil War. The Clay Compromise of 1850 was admittedly a stop-gap, a desperate measure in a dangerous crisis, and must be judged by its own peculiar circumstances. The Free Soilers denounced it in 1850. But ten years afterwards when they had become more matured in politics they attempted an almost exactly similar compromise with the South in order to stop the outbreak of the Civil War.

There are three important points to remember:

First, Was the North ready for a civil war in 1850, and could it then have conquered the South, saved the Union, and abolished slavery? Ten years later, with the North stronger in population and wealth, the South weaker, and the Republican party organized to save the Union and in possession of the government, the result of actual civil war was long doubtful. The northern Democrats were willing that the South should peacefully secede; the Abolitionists were of the same mind; General Scott, the head of the army, was drawing up plans for dividing the country into several independent confederacies. What would have been the result in 1850 with these elements of dissolution stronger and the forces for Union weaker than in 1861? If you say that the North under those circumstances of 1850 could not have performed the triple task of conquering the South, saving the Union and abolishing slavery, then the Clay Compromise was a wise policy; and that was the answer of the conservatives.

Second, Would it have been better to have forced the issue, scorned a compromise with slavery, incensed southern feeling by declaring slavery prohibited in all new territory in the faith that the South had no real

intention of rebelling or seceding, and that there would be no civil war? If you say yes, then the Clay Compromise was a mistake; and this was the answer of the Free Soilers and Abolitionists who denounced Webster's course.

Third, Would it have been better to have forced the issue, scorned a compromise with slavery, offended the South by declaring slavery prohibited in all new territory, and welcome rebellion by the South, civil war and an attempt to break up the Union in the faith that in the confusion and contest freedom at least would triumph and slavery be abolished, although the Union might be broken up and the Constitution destroyed? If you say yes, then the Clay Compromise was a mistake; and this was the answer of the extreme Abolitionists who denounced Webster's course.

Webster had effected a combination of conservative Whigs and conservative Democrats in both the South and the North. His strength, and at times, in a sense, his weakness, in politics had always been his independence; his indifference to strict party requirements. So now in combining Democrats with Whigs, his enemies said that he was merely making a bid for the Presidency from his overweening ambition for that office. If that were his motive he chose a poor way to carry it out. No man can attain the Presidency, or even a nomination for it, by going half-way into the enemy's camp. The Democrats would not nominate him because he was not of their faith; and the Whigs would not nominate him because half the party regarded him as a renegade. In the next Whig nominating convention he did not get a single southern Whig vote in 53 ballots, although it was for these southern votes, the Abolitionists said, that he had made his Seventh of March speech.

One of the first instances of approval he received, and not very creditable to his financial reputation, was a letter from Mr. W. W. Corcoran, of Washington,

cancelling a note Webster had given for money borrowed from him, and in addition making Webster a present of money. Cancelled note and present amounted to about $7000. This was done out of admiration for the Seventh of March speech. Webster accepted, in a letter of thanks, both the release of the debt and the present.[11]

As soon as the violent anti-slavery people had recovered a little from their surprise, they poured out a flood of denunciation upon Webster, and held meetings for the purpose. The Constitution was, they said, the cause of all the evil. It was not in any danger. Would that it were! The southern slave-holders knew and valued it. There was not the slightest danger of their rebelling or breaking up the Union. They would hold tight to the Constitution because it protected their property. If they left the Union they would lose all their slaves and they would immediately come back again.

"The southern men," said Parker, "know well, that if the Union were dissolved, their riches would take to itself legs and run away,—or firebrands, and make a St. Domingo out of California! They cast off the North! They set up for themselves! Tush! tush! Fear boys with bugs." (Discourse on Death of Webster, p. 63.)

James Russell Lowell, then a young Free Soil political writer, had for some time been assailing Webster as a statesman who had communicated no impulse to any of the great ideas of the century, as a statesman whose soul had been absorbed in tariff, banks and Constitution instead of devoting himself to the freedom of the future and of a down-trodden race. When it came, however, to telling exactly what Webster should have done or should do, he was like all the Free Soilers and Abolitionists, a trifle vague, and had to fall back on spread-eagle oratory. Webster, he said, should be "a

[11] Lodge, Life of Webster, p. 357, note.

conductor to gather from every part of the cloud of popular indignation the scattered electricity, which would waste itself in heat lightning, and, grasping it in one huge thunderbolt, let it fall like the messenger of an angry god among the triflers in the capitol." [12]

Longfellow on reading the 7th of March speech entered in his diary, "Is it possible? Is this the Titan who hurled mountains at Hayne years ago? . . . Fallen, fallen, fallen from his high estate is the universal cry in various phraseology. Yet what has there been in Webster's life to lead us to think that he would take high moral ground on this slavery question?" Charles Sumner, then a brilliant young man, a great friend of Longfellow, often walking out to Cambridge to dine with him, but banished, because he was a Free Soiler, from the fashionable life of Boston, in which he had formerly moved with so much distinction, also joined in the chorus against Webster, feeling sadly, Longfellow says, about the speech. Emerson, who was then dipping into politics and on the stump so far as was possible for a philosopher, also took his fling at Webster. "Every drop of blood in that man's veins," he said, "has eyes that look downward." [13]

They attacked him as if he were approving of slavery, which he certainly was not doing. They distorted passages. The passage, for example, where he speaks of the New Testament as nowhere prohibiting slavery, they use as if he were advocating slavery. But he was merely reviewing the history of slavery in the past, and stating the facts, the unfortunate facts that had put slavery in the Constitution and brought us to a crisis of such difficulty and danger.

Whittier's poem calling him, in the old Scripture phrase, Ichabod, "Where is the glory, for the glory hath departed from Israel," described the New England

[12] Scudder, Life of Lowell, vol. i, pp. 227, 233.
[13] Longfellow's Diary, vol. ii, pp. 162, 181, 195.

literary feeling of this ignominious fall of the mighty one as it was supposed to be.

"So fallen! So lost! the light withdrawn
Which once he wore!
The glory from his gray hairs gone
Forevermore!

"Revile him not—the Tempter hath
A snare for all.
And pitying, not scorn and wrath,
Befit his fall!

"Oh, dumb be passion's stormy rage,
When he who might
Have lighted up and led his age
Falls back in night.

. . . . . .

"Let not the land once proud of him
Insult him now,
Nor brand with deeper shame his dim
Dishonored brow."

. . . . . .

Beautiful verse it is; terrible it was called at the time; probably as fine a specimen of scorn as can be found in the language.

"I saw as I wrote," said Whittier, "with painful clearness its (the speech's) sure results,—the Slave Power arrogant and defiant, strengthened and encouraged to carry out its scheme for the extension of its baleful system, or the dissolution of the Union, the guarantees of personal liberty in the free States broken down, and the whole country made the hunting ground of slave catchers. In the horror of such a vision, so soon fearfully fulfilled, if one spoke at all, he could only speak in tones of stern and sorrowful rebuke." (Carpenter's Whittier, pp. 220, 221.)

In 1880, when Webster had been in his grave at Marshfield by the sea for nearly thirty years, Whittier wrote a longer poem called "The Lost Occasion." Less denunciatory than Ichabod, it takes at some length the ground that the great orator missed a golden opportunity.

"Ah, cruel Fate that closed to thee,
Oh, sleeper by the northern sea,
The gates of opportunity."

What the opportunity was is left poetically vague. But apparently the sleeper should have insisted on expressly prohibiting slavery in a region where it could not exist, merely as an insult to the South; should have declared that the pledge about Texas should not be kept, and should have refused to pass any law or assist in any way the return of fugitive slaves as guaranteed by the Constitution—in short, should have violated and repudiated all his past, stultified his intelligence, and gone in for a general smash-up in civil war in the vague hope that, whatever else might be ruined, the everlasting African would emerge from the confusion a free man.

In the closing verses the poet softens a little and concludes that after all, when the Civil War really did come in 1861, the sleeper would have been willing to take chances in that smash-up.

"Wise men and strong we did not lack;
But still with memory turning back,
In the dark hours we thought of thee,
And thy lone grave beside the sea."

That, no doubt, was true. Webster would, of course, have been for the Union in 1861. His son Fletcher went to the war as colonel of the Twelfth Massachusetts and was killed at the Battle of Manassas.

One of the poet's biographers reports that "those whom Whittier knew best in later life relate that he came eventually to feel that Webster was perhaps right, and he wrong; that compromise meant weary years of waiting, but that the further and consistent pursuit of such a policy might have successfully avoided the evils of war and of reconstruction."

Webster's literary power, his unrivalled command of the aptest language for oratory, debate and law,

were, as we have seen, a part of that remarkable literary movement in New England to which the Longfellows and Whittiers belonged. But Webster never seems to have associated familiarly with any of these people. He apparently had hardly more than a bowing acquaintance with them. There are no familiar letters between him and them, and such letters would surely have been both remarkable and valuable.

His familiar associates seem always to have been of a totally different set; the lawyers, the politicians, the rich merchants and manufacturers; and now for some time, as Senator Lodge expresses it, he had fallen into bad hands, which, being interpreted, means that he had joined the conservative Whigs instead of the radical Whigs. His old friend Jeremiah Mason was dead. Mr. Peter Harvey, of Boston; Mr. Franklin Haven, sub-treasurer at Boston; Mr. Edward Curtis, Mr. George Ticknor Curtis, Mr. Hiram Ketchum and Mr. Richard Blatchford, of New York; Samuel Lawrence, the Appletons, James K. Mills, Samuel Eliot, Mr. Fearing, and no doubt also many of the forty who had subscribed his pension, were among his intimates. With Mr. Blatchford he was very intimate, and sometimes wrote to him every day. Mr. Edward Curtis, of New York, was one of his most confidential advisers in politics, as Thurlow Weed tells us in his memoirs. Mr. Peter Harvey and Mr. Edward Curtis were with him the night before the 7th of March speech, and he consulted with them about it and declared his resolution, as he put it, "to push my skiff from the shore alone." [14]

There were Abolitionists in the country who were not as refined in their methods as those of New England, and among these it seemed proper enough to "kill off" Webster and ruin his influence on the side of compromise by means of the ancient method of scandals with women. From the year 1850 date those charges that he was a gross and unscrupulous libertine,

[14] Curtis, vol. ii, p. 474.

and these have been repeated and turned into universal tradition which both Von Holst and Mr. Rhodes put into their histories of the United States, and anyone who even doubts whether the offences were quite as bad as represented is laughed at for his lack of knowledge of the world.

They were made public, as we learn from Mr. Wilkinson's excellent volume, by the efforts of a Mrs. Swisshelm, a newspaper correspondent in Washington and an Abolitionist. She herself has said that up to the time of the 7th of March speech, "in all the rough and tumble of political strife, I had never heard his private character assailed." Suddenly she learns of his low debauchery, and from whom? From the Abolitionists, if you please, and by them she is urged to put it in the newspapers. She wrote an article on the subject which was circulated with zealous eagerness by the Abolitionists and equally circulated by the Whig press, which denied its assertions. Her agency in the matter was well known, and it became a standing conundrum among Free Soilers: "Why is Daniel Webster like Sisera? Because he was killed by a woman." At a Free Soil meeting in Pittsburg, Henry Wilson, the chairman, came down from the platform to be introduced to her and "take the hand of the woman who killed Daniel Webster."

Of names, dates, places, details, evidence, proof, there is absolutely none. There never is in a sacred tradition. No one ever succeeded in substantiating anything. Many years before there had been some talk about two English people, a man and his wife, of cultivated minds, who lived in the same apartment house with Webster in Washington. Webster was fond of talking with them both; and as politics were rough there was a tale circulated in Washington which was abundantly disproved. No attention was paid to it in Boston, where the lady was received among Webster's friends, and perfectly innocent letters from her

and her husband were found among Webster's papers after his death. He was also intimate with Mr. and Mrs. Blake. They were often at his house; he wrote numerous letters to Mrs. Blake which can be read in his works. He was fond of bright women who read and improved their minds. He was a good deal of a ladies' man in general society; went out of his way to amuse them with jokes and raillery; and some years ago there were not a few elderly ladies still alive who treasured compliments he had paid them. It is said that there were quite a number, each of whom insisted that to her alone had he applied the line from Horace about the beautiful daughter of a still more beautiful mother. His intimacy with Mr. and Mrs. Ticknor was very much the same in the way of letters and friendliness as that with the Blakes. The malicious could have used one instance as well as any of the others. There seems to have been absolutely nothing that anyone regarded until the sudden Swisshelm discovery in 1850, when Webster was sixty-eight years old.

But the Abolitionists were disappointed even in that wonderful discovery; for it sometimes takes more than one irresponsible woman to kill a statesman. They professed to believe that he would soon apologize for his 7th of March speech or attempt to qualify or explain it away. As the apology did not come, they insisted that nevertheless he was conscience-stricken and ashamed and merely succeeded in keeping up appearances; and their historians keep repeating these assertions. He never, however, wavered from his position for an instant, but went on advocating the compromise and insisting that it must be carried out to the letter.

"We shall have a fight, with the Abolitionists under the lead, I fear, of Mr. Seward; and a fight, too, with the violent party of the South under the lead of Mr. Calhoun. But I shall stand on the principle of my speech to the end; and we shall beat them, and the Union party will triumph. . . . If necessary I will take the stump in every village in New England." (Works, National Edition, vol. xvi, p. 537.)

He visited Boston soon after the 7th of March speech, and if the radicals expected him to be treated with marked disrespect they were again disappointed. He was received with the old respect due to his character and to a Senator of the United States. But he told them plainly that they need expect no backward steps from him.

For a year and a half afterwards he made the greatest exertions to help the Compromise party. He went to Virginia, and in a speech at Capon Springs told the southerners that the Constitution guaranteed the existence of slavery in the old southern States, that they were constitutionally entitled to have their fugitive slaves returned, and he even went so far as to say that if the North violated the Constitution in that particular they could not complain if the South left the Union.

He made speeches all over the eastern part of the country—at New York, Philadelphia, Boston, Buffalo, and the towns of northern New York—and wrote innumerable letters. He even spoke in Syracuse, "that laboratory of Abolitionism, libel and treason," as he called it. This Syracuse speech, recently published in the National Edition of his works, is, as an address to a very hostile community, a model of tact, good humor, and forcefulness. He brought out strongly the point that the adoption by New Mexico of a constitution prohibiting slavery was another proof of the uselessness of offending the South by applying the Wilmot Proviso to all that region. He argued in all these speeches that without the compromise there would have been a civil war, that six or seven southern States were preparing to secede, and that Texas, claiming the whole of New Mexico, would have marched troops into it and precipitated the first bloodshed if her boundaries had not been settled by the compromise.

His efforts in all this work were far greater than he had put in the 7th of March speech. He described him-

self at the end as talked out and written out and without a fresh idea left. It was heavy work for a man sixty-nine years old and no longer well. Other prominent men, believers in the compromise, were doing the same. President Fillmore made a tour of speeches for the compromise in northern New York; and the object of all these conservative statesmen was to bring the people to such a state of mind that they would respect the compromise and prevent its repeal or a breach of it. At the end of two years they considered their work largely accomplished, civil war prevented, old sores somewhat healed, and the compromise in no danger of immediate dissolution. This work was temporary in its results, of course, but to accuse these men of bad faith, treachery to the cause of freedom, or contemptible motives, as the extremists have done, is too much like stupidity and narrowness.

Meantime, the radicals were preaching sermons and passing resolutions that "Constitution or no Constitution, law or no law, we will not allow a fugitive slave to be taken from Massachusetts;" and soon the Boston mob broke into the United States Court House and rescued an alleged fugitive slave from the custody of an officer. But the final effect of all this sort of thing belongs to a period after Webster's death.

The new fugitive slave act of Congress passed in fulfilment of the Clay compromise, and to carry out the provision on that subject in the Constitution, was not a good one. Webster tried to have it provide for trial by jury, but failed. The absence of trial by jury, the provision which prohibited the supposed runaway from testifying, and other provisions in favor of the man-hunter, gave the Abolitionists a handle against it. It was the weak part of the compromise. They said it could be used to kidnap persons who had never been slaves. If the law had been made a little more in favor of the fugitive and less in favor of the hunter it would have been a great help to the compromise. But the

compromisers had to accept it as it was and enforce it. Any fugitive slave law is necessarily odious and detestable, no matter how "good" it may be made. Instances of the reclamation of slaves, which had been comparatively rare in the whole previous history of the country, now became more numerous, and the knowledge of them made converts to Abolitionism and Free Soil doctrines and to semi-Abolitionism and semi-Free Soil doctrines, and all the shades of opinion that were building up the party that carried through the Civil War. In the next few years this new fugitive slave law is believed to have done more to build up the Abolitionists than any other one cause that can be named. Webster and the conservatives, however, insisted that having been passed in good faith as part of the compromise and agreement with the South, it must be enforced. This was an unfortunate predicament for them; and in the next Presidential election of 1852, the Whig party in attempting to uphold this fugitive slave law went to pieces, and passed into history. Slavery being in the Constitution, nothing but a war would take it out.

The differences between the parties at this time seem now somewhat slender, although at the time they were deemed very essential. Charles Sumner, for example, a Free Soiler, declared himself "a Unionist and a Constitutionalist," that he would stay within the Constitution and within the law. This would seem to differentiate him from the Abolitionists; but at the same time he made speeches which he admitted were intended to "create a public sentiment which would render the enforcement of the fugitive slave law impossible." [15] Except in form there was little difference between him and the Abolitionists who consigned the Constitution to hell.

Sumner was now elected to the Senate in Webster's place by an unexpected fusion of Free Soilers and regulation Democrats in the Massachusetts Legislature.

[15] Life of Sumner, pp. 102, 128.

Anti-slavery Whigs and Democrats in New Hampshire sent another radical Senator, John Hale, to Washington; and the Free Soilers and Democrats sent Salmon P. Chase to the Senate.

Webster, it seems, had broken off from the Whig State Committee of Massachusetts and would no longer leave his interests in their hands. They were too strongly Abolitionist, he thought, and had separated themselves from the cause of the Union as well as from the other Whigs of the country. They had opposed national settlement and national harmony, and had courted Abolitionists until the Abolitionists would soon become their masters. "The Union Whigs, Tariff Whigs, Internal Improvement Whigs and Constitutional Whigs," he writes, "are afraid, all over the South, to connect themselves with us, because they say that on the question of all others, the most important to them, they have as little, indeed less to expect from Massachusetts Whigs, than from Massachusetts Democrats." He recommended calling a meeting of Union men of all parties in Massachusetts.[16]

Sumner, who had so quickly stepped into Webster's place to undo his work as soon as possible, was in argumentative ability and oratory well worthy of the position. Powerful looking and handsome; full of emotion and sentiment; like Webster, a lover of literature and knowledge; a man of refined taste and of the world; he, nevertheless, had none of Webster's personal attractiveness. He had no love of nature, of farms, of the ocean and boats, of sport, of animals, of children and women, and all that many-sidedness which had broadened Webster and given him such a powerful hold on life and statesmanship. Worst of all, Sumner lacked Webster's genial sense of humor. That alone might have saved him from the narrow mistakes, crabbed views, and tactless animosities of his later years, especially in the reconstruction period.

[16] Works, National Edition, vol. xvi, pp. 611, 613, 614.

XIX

LAST DAYS OF WEBSTER AND THE WHIGS

As Secretary of State at this time there was no remarkable diplomatic work for Webster to do. The office involved not a little entertaining and the keeping up of a certain style for which he was too poor; and again he was assisted by his friends, who subscribed a few thousand dollars for his extraordinary expenses.[1]

His son Fletcher, now his only surviving child, had grown to manhood, had looked after property and farms in the West, had been secretary of the legation to China in 1843 under Caleb Cushing, a member of the Massachusetts Legislature in 1847, a sort of secretary and assistant to his father in the Department of State, and was now surveyor of the port of Boston. The fourth volume of the edition of the father's works, published in 1851, is dedicated to Fletcher, and several of the diplomatic papers are described in this dedication as "written wholly or mainly" by him. He was no doubt a source of no little comfort and satisfaction to his parent. He rather inclined to be a Free Soiler; and Senator Hoar says attended the convention which founded the Free Soil party in Massachusetts. Though without the genius of his father, he might but for his early death in the Civil War have become a very prominent man.

Though a man now of almost seventy, Webster is described in this spring of 1851 as in the almost daily habit of rising at four in the morning, and, accompanied only by his private secretary, going fishing at the Little Falls of the Potomac and returning before the offices of the State Department were open, so as to

[1] Curtis, vol. ii, p. 496.

lose no time at his duties. He found, it seems, that this method of fresh air and exercise invigorated him; and we are reminded of John Quincy Adams's habit in his old age of bathing in the Potomac early in the morning.[2]

It was at this time that Webster's health began to fail. The long summer with the compromise in the heat of Washington had been very severe. He endured it at the time and thought himself stronger; but when the excitement had passed he began to break down. His annual hay fever had become more than an inconvenience. It was an exhausting disease which prostrated him and prevented the use of his eyes. That October at Marshfield he described his health as miserable. He was "hardly able," he said, "to drive round the farm more than twice." This was indeed a changed Webster. The chronic diarrhœa he had had for many years continued to trouble him. He went to the Elms Farm in New Hampshire and was much improved by the mountain air and his old pleasures of roaming through the hills and sitting by "glorious chip fires" in the evening. In the next summer, 1851, dreading the onset of the hay fever, he used most violent remedies in considerable quantities, and much to his surprise, the disease was kept off during most of the season. But the remedies were nearly as bad as the disease, if not worse, and his Boston doctor finally persuaded him to stop them. It was supposed afterwards that the hay fever had been stopped, not by the remedies, but by the increase of a worse malady, cirrhosis of the liver, of which he finally died.

That disease is often the result of overindulgence in stimulants; but the physicians say is also brought on by other conditions and causes. There was a great deal of discussion in Webster's lifetime, and after his death, as to his habits in this respect. Parton, in his "Famous Americans," professes to have seen him pre-

[2] Lanman, Private Life of Webster, pp. 99, 100.

DAGUERREOTYPE OF WEBSTER
In the possession of Dartmouth College

siding at a banquet with two bottles of Madeira under his buff waistcoat and applauding every reference to the clergy and religion. He also saw him, he says, address an audience "in a state not far removed from intoxication, and mumble incoherence for ten minutes." Parker says "he became overfond of animal delights, of the joys of the body's baser parts; fond of sensual luxury, the victim of low appetites. He loved power, loved pleasure, loved wine. Let me turn off my face and say no more of this sad theme. Others were as bad as he." [3]

Edward Everett, on the other hand, said in his eulogy, in response to a supposed question on these points, that no one but an angel had a right to ask such a question and no one but a Pharisee would; and he reminds us that there are spots on the sun.[4] Edward Everett Hale, who from boyhood was often at Webster's house, denies the intemperance as preposterous, and in his "Memories of a Hundred Years" says that in twenty-six years' knowledge of him he never heard of any intemperance; that he was greatly astonished when he found in later years the impression growing up in the country that Webster "was often, not to say generally, overcome with liquor;" and that his father, who survived to 1864 and knew Webster intimately, always denied these stories with disgust and indignation.

I have a letter from Mr. S. Arthur Bent, of Boston, familiar with the Webster family and the times, who says that he was informed by an old resident near Marshfield that "never in the course of his long life had he ever heard one citizen of Marshfield allude to Mr. Webster's habits as being what they were called elsewhere." The testimony of Seth Weston, of Marsh-

[3] Famous Americans, pp. 105, 106; Theodore Parker, Discourse on Death of Webster, p. 95. See also several passages in Ben Perley Poore's Reminiscences.

[4] Everett, Speeches and Orations, vol. iii, p. 408; Webster Centennial at Dartmouth, p. 265.

field, quoted in Mr. Wilkinson's book, is to the same effect. In the long years of his acquaintance he had never known Webster "at all under the influence of liquor, excepting on one solitary occasion. And on that one occasion he was far from being intoxicated; he seemed to be a little flushed or exhilarated—that was all."

The testimony of Webster's physician, Dr. Jeffries, should also be quoted:

> "I admit that Mr. Webster was in the occasional use of wine, and sometimes of other alcoholic drinks, and gave as a probable reason that it was much more the custom in Washington than in this city; but I confidently express the opinion that no man can be produced who can show that he knows—although many may erroneously presume, as in the instance above referred to—that his great intellect was ever clouded by stimulants; or that he was unfitted at any time, even for the production of State papers." (Harvey, Reminiscences, p. 445.)

Europeans would be greatly amused at all this detail and pains about a man's drinking and whether he was flushed or exhilarated. They are always surprised at our winks, innuendoes and suspicions whenever drinking is mentioned. To be gay, exhilarated and lively from wine is to them the most natural thing in the world and no harm. We always take these things very seriously, sometimes fanatically, in America, and probably it is necessary in our climate.

Readers of Campbell's lives of the Chief Justices and Lord Chancellors of England will remember his descriptions of some of those worthies as two-bottle or three-bottle men, according to the quantity of which they were capable with impunity at a sitting; and this we usually regard as one of the pleasantries of literature. Lord Stowell, for instance, was a two-bottle man. His brother said of him, he will drink any given quantity of port; and "despite his excesses, his bodily health remained good until he was nearly ninety."[5] Those

[5] Dictionary of National Biography, vol. li, p. 111.

gentlemen of the old school had strong livers. Webster's favorite drink, they say, was brandy; a powerful drug, fit only, Dr. Johnson said, for heroes. There was also a famous American Chief Justice of good decisions, unclouded brain, and genial humor who lived to be eighty-five and seldom took less than a quart of whiskey a day; and President Lincoln, as we all know, wanted to send to every general in the army a barrel of the kind said to be used by one of them.

But the point with Webster is that, among us Americans who cannot be kept within bounds on this subject, he is charged both in print and in tradition with being a perfect sot, drunk on important occasions, drunk most of the time, making some of his most famous speeches when drunk, and incapable of making a good speech unless he was drunk. In fact, as Edward Everett Hale puts it, "a third part of the anecdotes of him which you find afloat have reference to occasions when it was supposed that, under the influence of whiskey, he did not know what he was doing." After telling a Webster story, the *raconteur* is apt to add, "He was drunk, of course." He feels that unless he says that it will be supposed that he does not understand these things.

There was also another habit into which people seem to have drifted. His speeches had immense influence; political speeches had more influence in that day than in ours; and it was discovered that a good way to offset Webster's was to say, "Oh, he was drunk;" or better still, "A fine speech, a fine speech; but he was drunk." There is the story of the political opponent who was seen coming away early from one of his speeches.

"Why are you coming away so soon?"

"Oh, I am disgusted. Webster is drunk."

He was no doubt disgusted, but it was at something that annoyed him more than drink.

Mr. Wilkinson shows that in those instances where

a responsible or important person was reported to have said that he had seen Webster drunk in public or making a "fine speech" when drunk, the said important person when interviewed denied it and said that it had been reported to him that So-and-so had seen the sad occurrence. So of the story that Webster in speaking at a public banquet had fallen drunk into the arms of the Mayor of Rochester, the Mayor, when asked about it, said that there was no truth in it; that Mr. Webster in offering a toast to the city had merely laid both his hands on the Mayor's shoulders.

Alexander H. Stephens, afterwards Vice-President of the Southern Confederacy, lived next door to Webster in Washington, knew him intimately for six years, and declared that "the impression in the country that he was a great drunkard" was "an outrageous slander." He had never seen him "in the least inebriated." But then he adds, as so many of them were apt to do, that he had heard of his being intoxicated twice, "and on one of those occasions—a dinner—he made a speech that was grandly eloquent."

There it is again. Somebody else, not the witness himself, sees it; and when thus drunk he always makes a wonderful speech. But we cannot go on with these instances which are given in full detail by Mr. Wilkinson. Those who believe that drunken men can make highly intellectual speeches must be left to the pleasures of their own credulity. Suffice it to say that the newspaper tale, repeated by Poore in his Reminiscences, that Webster, in dying, called for drink with his last breath, is nonsense, unsupported by any evidence and positively denied by Mr. Curtis, who was present at his death.

There is no doubt that Webster was fond of drinking, drank with the Senators at Washington, and with his friends, drank brandy with sugar under the advice of the physicians of that time for an annoying intestinal tendency, drank at banquets and public dinners liberally, was fond of his two glasses of Madeira at dinner at home, and no doubt in these ways seriously injured his

health and iron constitution, as is easily done in our climate. But he was no more an intemperate man than hundreds of others of his time against whom no such charge has ever been made; there is not the slightest evidence that his wonderfully poised intellectual power was impaired at all up to the time of his death when past seventy. Six months before his death he tried and won the Goodyear Rubber suit, a difficult case of many days' trial, the most prominent litigation of its time; and that he was a common drunkard or frequently or often drunk or that he made speeches when drunk is not supported by any respectable evidence.

During the summers of 1851 and 1852 he sought strength in the only two places he had ever been able to find it, Marshfield and The Elms. The change to the mountain region of The Elms was, he thought, at times decidedly beneficial. It was sad to see him struggling to regain his old pleasures and life in these, to him, earthly paradises. Besides disease, he had to fight away the guests, conservative Whigs and compromise Democrats in swarms, that came to see and congratulate him on the success of the great measure of 1850. The Elms was the worst place for them because there was a railroad station close to the house. To avoid them he would take his horse and wagon, start early, and drive far into the foothills, or put his farmer, John Taylor, on guard to keep them off. He even tried living a little distance from The Elms. Distinction was torturing him. But still there were some of the old delights. "The foliage indescribably beautiful," he writes from The Elms, October 21st, 1850, "John Taylor, straight up. Henry and I his only guests, and three glorious chip-fires already burning. Can you resist that?" [6]

Apparently, the failure of his health had begun sooner than necessary. He was barely seventy, and had seemed made to last a hundred. With such unusual

[6] Works, National Edition, vol. xvi, p. 572.

vigor as he had shown in the rest of his life, he should have been free from serious decay until seventy-five, and was entitled to five years more of comparatively comfortable old age. But the too liberal habits of the Senate and Washington were cutting him down before his time.

As Secretary of State he had at this time no momentous questions to settle like the Ashburton Treaty, which had added so largely to his own fame and to the advancement of international peace when he had been head of the State Department under President Tyler in 1842. A settlement with England in regard to her protectorate in Central America, where a ship canal between the Atlantic and Pacific was proposed, a negotiation with Mexico about a railroad across the Isthmus of Tehuantepec, the rebellion in Cuba, and the liberation of the Hungarian patriot Kossuth from imprisonment in Turkey, constituted the more serious employment of the new secretary in his short term of office. They were important questions in their day, but are now forgotten.

There was one question, however, which has not been entirely forgotten, and that was the Hülsemann Letter in which Webster saw one of his opportunities. Our government had had an agent in Europe to report the progress of the revolution in Hungary, so that we could recognize any new government that established itself. The revolution was put down; and the Chevalier Hülsemann, the Austrian *chargé* at Washington, complained of the investigation of this agent as spying and an inclination to sympathize with the revolutionists. Webster determined to say in his reply that by the law of nations we were entitled to make such an investigation for our own information and guidance, that we did, as a matter of fact, sympathize with the struggle for Hungarian independence because it was so like our own, that we would have been quite willing to recognize an independent Hungarian government, that we had no sympathy whatever with the Holy Alliance of which

Austria was a member because its principles were a denial of the rightfulness of our own origin, that we had become a powerful republic of twenty-five millions of people, and that if the Austrian government had attempted to treat our authorized agent as a spy we would have been entirely competent to resent it and would have resented it by the whole power of the republic, military and naval.

It cost him no little labor to say all this with historical proof and in the most finished language of refined diplomacy. Draft after draft of the long letter was prepared with the help of a subordinate in the State Department, Mr. Hunter, and of Webster's life-long friend Mr. Everett, both of whom he called to his assistance, as he was far from well that autumn of 1850. Under his directions they made the first rough drafts from which he worked; and in the finished document there remained some sentences which are supposed to be not thoroughly Websterian. But it was a most impressive paper which delighted the whole country by its Americanism, inspired respect in Europe, and has become a landmark in the history of diplomacy. It was a letter in which the substance was old-fashioned spread-eagleism expressed in classic urbanity, and no one but Webster could have done it. Except that it is not so blunt it reminds us in some respects of a letter addressed to the British government by President Grover Cleveland on the Monroe Doctrine. It was Webster's last service to the cause of his life,—American nationality.

"If you say that my Hülsemann letter is boastful and rough, I shall own the soft impeachment. My excuse is twofold: 1. I thought it well enough to speak out, and tell the people of Europe who and what we are, and awaken them to a just sense of the unparalleled growth of this country. 2. I wished to write a paper which should touch the national pride, and make a man feel sheepish and look silly who should speak of disunion." (Curtis, vol. ii, p. 537.)

As the time for the Presidential nominations that were to be made in June, 1852, drew near, the great

political question obviously before the country was the position the Whig party should take on the Clay compromise. It was regarded by its advocates as successful, as having accomplished its object for over a year, and as likely to continue in this beneficent course if left undisturbed. The Democrats both North and South, together with the southern Whigs and the northern conservative Whigs, were favorable to it and wished to see a President elected who would assist in making it final and permanent. Against this desire for finality were arrayed the radical Whigs, the Abolitionists and the Free Soilers, who denounced finality as a base league with cruelty, tyranny and crime, and whose utmost efforts were directed towards bringing the whole question again into a state of solution from which some other policy could be shaped.

In the Whig party Webster, Fillmore and General Scott were the possible candidates. A strong conservative interest favored Webster. A gathering of Whig delegates in Massachusetts adopted an address, drawn by Edward Everett, declaring that all other influences would have been unavailing to pass the compromise without Webster's 7th of March speech, and that his subsequent efforts to suppress the agitation against compromise had largely contributed to save the Union. Such praise, such very liberal praise, of the 7th of March speech would be difficult to find anywhere else in Massachusetts literature. Similar demonstrations in his favor were made in other States; and in New York a meeting of Whigs adopted a strong appeal to the country prepared by Mr. William M. Evarts, one of the young men to become prominent in the new period on which the country was entering.

"This eminent citizen, instructed in every art, trained in every discipline, informed by every experience of public life, endowed with every power, and furnished with every acquirement fit for the service of the State—his public virtue, and patriotism, tried by every personal, partisan and sectional influence within the whole sphere of our politics, and ever found true to the whole country, and its permanent welfare—

this eminent citizen, now in full maturity of years and wisdom, yet his eye not dimmed, nor his natural force abated, we believe most worthy to receive the honors, most able to perform the duties of President of the United States."

There was more, constituting altogether the most complete and best description of Webster's political character and career that has ever been briefly stated. It was all true enough except, unfortunately, the five or six words which said that his natural force was not abated. So far as ability and experience were concerned, no man was better fitted to fill the office of President. No man by long patriotic and devoted public service more richly deserved it. Whether, if nominated, he could be elected with the radical Whig and Free Soil press ridiculing as womanish his and Clay's fears for the safety of the Union, and denouncing compromise as an imbecility, was quite another question. Many of the radical Whigs were now saying that the fear that the Union once broken could never be restored was a mere humbug and bugaboo. If broken into two or three sections by slavery, they would soon reunite and be stronger than ever. But even if nominated Webster could not have been elected, not merely from want of votes, but because his death occurred before election day.

Among the other possible candidates, Mr. Fillmore was of the same views on compromise as Webster, and though a rather colorless man, he had given the country a good administration and had a strong following. General Scott, "old fuss and feathers," as he was familiarly called, had an equally strong following, and on certain grounds seemed available. He was a military hero, the sort of candidate with which the Whigs had already twice won the Presidency; and his opinions on compromise and other political questions were almost unknown and could presumably be made to take various shapes. So far as his opinions were known, they were against the compromise, and his friends and active supporters were of that stripe.

Forty ballots were taken in the convention with him and Fillmore running almost even, and he was finally nominated on the fifty-third ballot by a "deal" and on a platform which supported the compromise and the new fugitive slave law. The southern Whigs in the convention had wanted this sort of platform, but many northern Whigs had opposed it. An agreement was reached by which the southern Whigs gave votes enough to nominate Scott, in exchange for which the northern Whigs withdrew their opposition to a platform favoring the compromise. This double deal of a candidate with opinions the opposite of those of the platform, while on its face an apparent shrewdness to some minds, was in its results a most lamentable failure.[7]

Not a southern vote was cast for Webster, so that if it be true, as alleged by the Abolitionists, that he had made the 7th of March speech and supported compromise merely to secure southern support for himself, he made as great a blunder and miscalculation as was ever made by him or by any other statesman.

The Democratic candidate, Franklin Pierce, was elected by an overwhelming vote; and the Whig party, of such noble memory and usefulness, was never heard of again in active politics.

The spring and summer of 1852, which were all that was left of life for Webster, were crowded with duties which would not have been light tasks for a young man in perfect health. Besides his official work as Secretary of State, he delivered a long and carefully prepared discourse before the New York Historical Society on "The Dignity of Historical Compositions," which was a review and criticism of all the great historians of the past.

This was another of the occasions when he was

[7] Curtis, vol. ii, p. 623. Whatever may have been Webster's disappointment as to former nominations, he manifested, his private secretary says, no regret at the loss of this one in 1852. (Lanman, Private Life of Webster, p. 63.)

reported to have been drunk in the delivery of a speech, a charge which Mr. Stetson, who was with him, circumstantially refutes.[8] There was no foundation for the story that Mr. Stetson saw or could remember, except that, being tired, he had before the delivery of the speech laid his head upon his hand. But with the zealous work of the Abolitionists to "kill him," as they called it, the slightest circumstance was now enough. If he rose from a chair stiffly, as men after sixty are apt to do; if in an after-dinner speech he rested his hands on the table, if he laid his hands on a politician's shoulders, immediately it was "Oh, he was drunk; fine speech, fine speech, but he was drunk."

Immediately after his historical society address he spent some weeks in Trenton trying the famous case which involved the invention of vulcanized india-rubber by Mr. Goodyear. It was unusual for a Secretary of State to try cases in court; but the fee in this case, $10,000, was so large that Webster eagerly seized upon the opportunity to relieve himself of some of the heavy burden of his debts. One or two more fees like that would, he said, pay off everything.

He was driven every morning from the hotel to the court house by Mr. Goodyear's coachman, with a very fine blooded horse. Webster admired the animal so much that Mr. Goodyear, delighted with the result of the case, sent the horse to Marshfield as a present.

Physically Webster was no longer the same man, but by the testimony of one who saw him conduct this difficult and important trial his mental abilities were as strong as ever. His opponent, Rufus Choate, has left us a beautiful description of him.

"The raven hair, the vigorous full frame and firm tread, the eminent but severe beauty of the countenance, not yet sealed with the middle age of man; the exuberant demonstration of all sorts of power, which so marked him at first—for these as once they were I explored in vain. Yet how far

[8] Wilkinson's Daniel Webster, p. 120.

higher was the interest that attended him now: his sixty-nine years robed, as it were, with honor and with love, with associations of great service done to the State, and of great fame gathered and safe; and then the perfect mastery in its legal and scientific principles, and in all its facts; the admirable clearness and order in which his propositions were advanced successively; the power, the occasional high ethical tone, the appropriate eloquence, by which they were made probable and persuasive to the judicial reason, these announced the leader of the American Bar, with every faculty and every accomplishment by which he had won that proud title, wholly unimpaired."

Such was the man in his seventy-first year whom the Abolitionists said was a common drunkard. He afterwards made speeches at Harrisburg and at Annapolis to encourage support of the compromise. That in itself of course was proof of drunkenness. He was thrown from his carriage while driving near Marshfield on the 6th of May. The bolt holding the front wheels to the body broke, the body dropped down, and he was shot forward, striking on his wrists and head. He was carried to a house, where he lay insensible for some time; and this injury may possibly have hastened his final illness. Before he had recovered from this accident he made a long speech in Faneuil Hall. He made another speech in Boston in July at a great reception given to him by all classes of people and intended to express regret that he had not been nominated by the Whig convention. These speeches were both in his usual able manner, although he was still suffering from the effects of the accident. His arm was inflamed and in a sling, and he required the constant assistance of an attendant about his person. But when he went into the hall to speak he dispensed by a great effort, his physician tells us, with both the attendant and the sling.

That summer of 1852 he tried to spend principally at Marshfield, and attend there to his duties as Secretary of State; for the hot weather in Washington he felt would kill him. Serious business arose with England over our rights of fishing in the waters of New

Courtesy of the S. S. McClure Company

WEBSTER SHORTLY BEFORE HIS DEATH
(From a Daguerreotype)

Foundland and the Gulf of St. Lawrence. Webster was returning from The Elms in New Hampshire to meet the British Minister at Marshfield and had arrived at Kingston, nine miles from his place, where, much to his surprise, he was met by a vast concourse of his neighbors and friends without regard to party lines, some in carriages, some on horseback, and with great ceremony they conducted him home, the roads being lined for miles with women and children. An address was made, to which he replied in the last speech he ever made to a public assembly.

"I remember," writes his secretary, "how, after the crowd had disappeared, he entered his house fatigued beyond measure, and covered with dust, and threw himself into a chair, and he then looked up, like one seeking something he could not find. It was the portrait of his darling but departed daughter Julia, and it happened to be in full view. He gazed upon it for some time in a kind of trance, and then wept like one whose heart was broken, and these words escaped his lips: 'Oh, I am so thankful to be here! If I could only have my will, never, never, would I again leave this home.' And then he sought and obtained a night of repose." (Lanman, Private Life, p. 177.)

President Fillmore wanted him to go as Minister to England, and he had to go to Washington for a few weeks in August. There was plenty of work cut out for him; but he was utterly weary and trying to resign from the secretaryship and all his duties. While in Washington he prepared a long statement on the right of our people to take guano from the Lobos Islands. Contrary to what might be expected, it is in his accustomed powerful manner, and shows no signs of intellectual failing; but it was the last diplomatic paper he ever drew. Attempts were being made in Massachusetts and various parts of the country to have him run as an independent candidate for the Presidency, and urgent letters were coming to him on this subject. Equally urgent letters were pouring in upon him to support the regular Whig nomination of General Scott.

He would take no part in the independent movement;

and as for his supporting General Scott, well known to be the enemy of the compromise for which Webster had labored, sacrificed and risked himself for the last two years and which he believed essential to the safety of the Union, that was out of the question. The truth was that both Webster and the Whig party were dying. While not, perhaps, willing to foresee his own end so near, he foresaw clearly enough the end of his old political party which had so stultified itself and divided itself beyond hope with a soldier candidate opposing compromise on a platform that favored compromise.

The result of the election, Webster said, would be that the Whig party would be withdrawn into the North; no party not extending throughout the Union could safely administer the government; there would soon be no political party of any importance in the South except the Democrats.

Early in September he was back again at Marshfield, never to leave it except for a short visit to Boston. It was in this month that he first complained to his physicians of the symptoms of his final illness, cirrhosis of the liver.[9] He spent the month fighting the hay fever and living on milk, lime water and gruel, a strange diet for him. The glare of the sun hurt his eyes; but whenever he could he was out in his boat on the ocean with

[9] The result of the post-mortem examination was reported by his physicians in the *American Journal of Medical Sciences* for January, 1853. They appear to have concluded that the immediate cause of his death was hemorrhage of the stomach and intestines, brought on by cirrhosis of the liver. They weighed his brain and found it next below that of Cuvier, the French biologist, which was the largest reported up to that time. Cuvier's brain weighed 64⅓ ounces and Webster's 63¾ ounces. But size in a few individual cases means nothing; for Lord Byron, one of the high intellects of that period, had a brain and head rather smaller than the average; and one of the largest brains that has ever been weighed is said to have belonged to a bricklayer. It is only in comparing thousands of instances that any conclusion as to a more intelligent race having a larger average brain can be drawn.

an awning for protection. As October came he grew weaker. But he kept the house well filled with his relatives and close friends, giving minute directions for their entertainment and planning for them excursions in which he sometimes tried to take a part. Before the middle of the month it was evident to his physicians and friends that he could not last long, yet when unable to move without assistance he clung to every detail of his old life out of doors. His oxen were driven round for him to see from the window; and he directed every day the work of the farm.

"He forgets not to send to a friend in Boston a fresh caught fish, to another a teal shot in the little lake near his house, or a pair of ducks brought down by the unerring aim of his faithful boat-keeper; to a lady friend in Washington he sends some magnificent fruit with which his trees are loaded, and to another in Boston a noble saddle of mutton from his own flock." (Curtis, vol. ii, p. 683.)

The insatiable desire to buy land was still with him, and on the 29th of September, within a month of his death, we find him concluding a bargain for fifty more acres. A couple of days afterwards he directs his man Hatch to keep a light all night on the mast of his sail-boat on the pond behind the house, so that during his sleepless nights he could see from his bed the small United States flag that was nailed to the mast; the light was to be kept there every night as long as he lived. "My light shall burn," he said to Hatch, "and my flag shall fly as long as my life lasts." [10]

His physicians were surprised at his resistance to the disease. He was anxious to be conscious of the act of dying; he had a curiosity to study that last act as he had studied so many things; and they helped him with stimulants and stopped his pain with opiates. But in the end, like most people, he sank into an unconscious state in which he breathed for a few hours and died early in the morning of October 24, 1852.

[10] Works, National Edition, vol. xvi, pp. 665, 668.

The streets of Boston were hung with black and a great funeral march of all classes and conditions kept passing for hours through the town. The Mayor and Alderman wore crape. Many of the courts of New England, and as far south as Baltimore and Washington, adjourned; flags were half-masted; public business stopped. Only one court, says Theodore Parker, did not adjourn, the United States Court at Boston that was trying an Abolitionist for rescuing a fugitive slave from the hunters.

Immense crowds came to the funeral at Marshfield from Massachusetts and all over New England by special steamboats and train after train to the nearest station; and there were great numbers of farmers among them. His body, dressed in his usual clothes and in an open coffin, was laid out under the spreading branches of a tree in front of the house, where the crowds passed round to view it.[11]

They buried him in the old colonial graveyard of the Pilgrims that was in the midst of his own land, within sound of the breakers of the sea, among the old captains, fishermen, farmers and godly ministers of that ancient race whose descendants he had loved so well. It was his own arrangement and request; and nothing could have been more appropriate. They took him to the grave. George Hillard says in his eulogy, not enclosed in a coffin, like the lover of earth and nature that he was, clad as when alive, with the sunshine he loved falling on his face and the breeze blowing over it. Out of the crowd of distinguished men stepped six plain Marshfield farmers who carried him to his last rest; and on his tomb they placed only two words, which were enough, Daniel Webster.

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[11] Webster Centennial at Dartmouth, pp. 1–3, 208, 275. Ben Perley Poore, in his Reminiscences, says the body was in an iron coffin with the top off. Mr. Runnell, in Webster Centennial at Dartmouth, p. 208, says it was "laid upon a raised open casket." Poore says the farmers did not carry him to the grave, but walked beside a sort of car that bore the iron coffin.

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